

THE
R I A L
WILLIAM Lord BYRON,
Baron BYRON of ROCHDALE,
FOR THE
ORDER of WILLIAM CHAWORTH, Esq;
Before the RIGHT HONOURABLE
The HOUSE of PEERS,
IN
WESTMINSTER-HALL, in Full PARLIAMENT.

On TUESDAY the 16th, and WEDNESDAY the 17th of April, 1765:
On the last of which Days the said William Lord Byron was Acquitted
of MURDER, but found Guilty of MANSLAUGHTER.

Published by Order of the House of PEERS.

L O N D O N:

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THE
TRIAL
 OF
WILLIAM Lord BYRON,
 FOR THE
MURDER of WILLIAM CHAWORTH, Esq;

Before the **RIGHT HONOURABLE**
The House of PEERS,

IN

WESTMINSTER-HALL, in Full PARLIAMENT.

In the Court erected in **WESTMINSTER-HALL**, for the **TRIAL of WILLIAM Lord BYRON**, for the **Murder of WILLIAM CHAWORTH, Esquire.**

ABOU'T Eleven of the Clock the Lords came from their own House into the Court erected in *Westminster-Hall*, for the Trial of *William Lord Byron*, in the Manner following :

The Lord High Steward's Gentlemen Attendants, Two and Two.

The Clerks Assistant to the House of Lords, and the Clerk of the Parliament.

Clerk of the Crown in Chancery, bearing the King's Commission to the Lord High Steward, and the Clerk of the Crown in the King's Bench.

The Masters in Chancery, Two and Two.

The Judges, Two and Two.

The Peers eldest Sons, Two and Two.

Peers Minors, Two and Two.

Chester and Somerset Heralds.

Four Serjeants at Arms with their Maces, Two and Two.

The Yeoman Usher of the House.

The Barons, Two and Two, beginning with the youngest Baron.

The Bishops, Two and Two.

The Viscounts and other Peers, Two and Two.

The Lord Privy Seal and Lord President.

The Archbishop of York and the Archbishop of Canterbury.

Four Serjeants at Arms with their Maces, Two and Two.

The Serjeant at Arms attending the Great Seal, and Purse-Bearer.

Then Garter King at Arms, and the Gentleman Usher of the Black Rod carrying the White Staff before the Lord High Steward.

Robert Earl of Northampton, Chancellor of Great-Britain, Lord High Steward, alone, his Train borne.

His Royal Highness the Duke of Gloucester, his Train borne.

His Royal Highness the Duke of York, his Train borne.

The Lords being placed in their proper Seats, and the Lord High Steward upon the Woolpack, the House was resumed.

The Clerk of the Crown in Chancery, having his Majesty's Commission to the Lord High Steward in his Hand, and the Clerk of the Crown in the King's Bench, standing before the Clerk's Table with their Faces towards the State, made Three Reverences; the First at the Table, the Second in the Midway, and the Third near the Woolpack; then kneeled down; and the Clerk of the Crown in Chancery, on his Knee, presented the Commission to the Lord High Steward, who delivered the same to the Clerk of the Crown in the King's Bench to read: Then rising, they made Three Reverences, and returned to the Table. And then Proclamation was made for Silence, in this Manner:

Serjeant at Arms. Oyez, Oyez, Oyez! Our Sovereign Lord the King strictly charges and commands all Manner of Persons to keep Silence, upon Pain of Imprisonment.

Then the Lord High Steward stood up, and spoke to the Peers.

Lord High Steward. His Majesty's Commission is about to be read: Your Lordships are desired to attend to it in the usual Manner; and all others are likewise to stand up uncovered, while the Commission is reading.

All the Peers uncovered themselves; and they, and all others, stood up uncovered, while the Commission was read.

GEORGE R.

GEORGE the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, To Our Right Trusty and Right Well-beloved Cousin and Counsellor Robert Earl of Northampton, Our Chancellor of Great Britain, Greeting; Know ye, That whereas William Byron, Baron Byron of Roclade, late of the Parish of Saint James, within the Liberty of Westminster, in Our County of Middlesex, in Our Court at Westminster, in the said County of Middlesex, before Our Justices assigned to hold Pleas before Us, stands indicted upon the Oath of Twelve Jurors, good and lawful Men of the said County of Middlesex, then and there sworn and charged to enquire for Us for the Body of the said County, of Felony and Murder, by him the said William Byron, Baron Byron of Roclade, done and committed; We, considering that Justice is an excellent Virtue, and pleasing to the Most High; and being willing that the said William Byron, Baron Byron of Roclade, of and for the Felony and Murder whereof he is indicted as aforesaid before Us, in Our present Parliament, according to the Law and Custom of Our Kingdom of Great Britain, may be heard, examined, sentenced, and adjudged; and that all other Things which are necessary on this Occasion may be duly exercised and executed; and for that the Office of High Steward of Great Britain (whose Presence upon this Occasion is required) is now vacant (as We are informed); We, very much confiding in your Fidelity, Prudence, provident Circumpection, and Industry, have, for this Causa, ordained and constituted you Steward of Great Britain, to bear, execute, and exercise, for this Time, the said Office, with all Things due and belonging to the same Office in this Behalf: And therefore We command you, that you diligently set about the Premises, and, for this Time, do exercise and execute, with Effect, all those Things which belong to the Office of Steward of Great Britain, and which are required in this Behalf. In Witness whereof, We have caused these our Letters to be made Patent. Witness Ourselves at Westminster, the Fifteenth Day of April, in the Fifth Year of Our Reign.

By the KING Himself, signed with his own Hand.

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Serjeant



Serjeant at Arms. God save the King.

Then *Garter*, and the Gentleman Usher of the Black Rod; after Three Reverences, kneeling, jointly presented the White Staff to his Grace the Lord High Steward: And then his Grace, attended by *Garter*, Black Rod, and the Purse Bearer (making his proper Reverences towards the Throne) removed from the Woolpack to an armed Chair, which was placed on the uppermost Step but one of the Throne, as it was prepared for that Purpose; and then seated himself in the Chair, and delivered the Staff to the Gentleman Usher of the Black Rod on his Right Hand, the Purse-Bearer holding the Purse on his Left.

Clerk of the Crown. Serjeant at Arms, make Proclamation.

Serjeant at Arms. Oyez; Oyez, Oyez! Our Sovereign Lord the King strictly charges and commands all Manner of Persons to keep Silence; upon Pain of Imprisonment.

Then the Clerk of the Crown, by Direction of the Lord High Steward, read the *Certiorari*, and the Return thereof, together with the Caption of the Indictment, and the Indictment certified thereupon, against *William Lord Byron*; *in hoc verba*:

GEORGE the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, To Our Right Trusty and Wellbeloved *William Lord Mansfield*, Our Chief Justice appointed to hold Pleas before Us, Greeting; We being willing, for certain Reasons, that all and singular Indictments of whatsoever Felonies and Murders whereof *William Byron*, Baron *Byron of Rochdale*, late of the Parish of *Saint James*, within the Liberty of *Westminster*, in Our County of *Middlesex*, is indicted before you (as is said) be determined before Us, and not elsewhere; do command you, that you do send under your Seal before Us, in Our Parliament, immediately after the Receipt of this Our Writ, all and singular the Indictments aforesaid, with all Things touching the same, by whatsoever Name the said *William Byron*, Baron *Byron of Rochdale*, is called in the same; together with this Writ, that We may cause further to be done thereon, what of Right and according to the Law and Custom of *England* We shall see fit to be done. Witness Ourself at *Westminster*, the Twenty eighth Day of February, in the Fifth Year of Our Reign.

Label. To the Right Honourable *William Lord Mansfield*, Chief Justice appointed to hold Pleas before the King himself, a Writ of *Certiorari*, to certify into the Upper House of Parliament the Indictment found against *William Byron*, Baron *Byron of Rochdale*, for Murder, returnable immediately before the King in Parliament.

Yorke and Yorke.

Yorke and Yorke.

Indorsed. } BY Order of the Lords Spiritual and Temporal, in Parliament assembled, by virtue of the within Writ to me directed, I send to our Sovereign Lord the King, in this present Parliament, under my Seal, the Indictment within mentioned, with all Things touching the same, in certain Schedules hereunto annexed, as I am within commanded.

Mansfield.

Middlesex. } BE it remembered, That on Tuesday next after the Octave of the Purification of the Blessed Virgin Mary, in the Fifth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, in the Court of our said Lord the King, before the King himself at *Westminster*, in the County of *Middlesex*, upon the Oath of *Philip Dwyer* of *Dwyer-street*, Esquire, *John Chase* of *Great Russel-street*, Esquire, *Henry Raper* of *John-street*, Esquire, *Robert Hucks* of *Great Russel-street*, Esquire, *Oliver Coghill* of the same, Esquire, *Anthony Chapman* of *Great Ormond-street*, Esquire, *Charles Sheppard* of *Muswell Hill*, Esquire, *Thomas Singleton* of *Finchley*, Esquire, *George Mertins* of *Hatton Garden*, Esquire, *Gideon Arbonin* of the same, Esquire, *John French* of the same, Esquire, *William Clarke* of *Clopton*, Esquire, *Abraham Ogier* of *Clopton*, Esquire, *Edward Nourse* of *Hammersmith*, Esquire, *John Anderson* of *Henrietta-street*, Esquire, *George Mercer* of *Bolsover-street*, Esquire, *Isaac Lefevre* of *Stepney*, Esquire, *Henry Mason* of *Great Russel-street*, Esquire, *George Wright* of *Baldwin's Gardens*, Esquire, *Liscombe Price* of *Islington*, Esquire, *Charles Digby* of *Mile End*, Esquire, *Richard Tidswell* of *Edmonton*, Esquire, and *John Duvall* of *Portugal-street*, Gentleman,

good and lawful Men of the County of *Middlesex*, then and there sworn and charged to enquire for our said Lord the King, for the Body of the said County of *Middlesex*.

It is presented that the Bill of Indictment hereto annexed is a true Bill.

BURROW.

Middlesex. { **T**HE Jurors for our Lord the King, upon their Oath, present, That the Right Honourable *William Byron*, Baron *Byron* of *Rebdale*, late of the Parish of *Saint James*, within the Liberty of *Westminster*, in the County of *Middlesex*, not having the Fear of God before his Eyes, but being moved and seduced by the Instigation of the Devil, on the Twenty-sixth Day of *January*, in the Fifth Year of the Reign of our Sovereign Lord *George the Third*, by the Grace of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth, with Force and Arms, at the Parish aforesaid, in the County aforesaid, in and upon one *William Chaworth*, Esquire, in the Peace of God, and our said Lord the King, then and there being, feloniously, wilfully, and of his Malice aforesought, did make an Assault, and that the said *William Lord Byron*, with a certain Sword drawn, made of Iron and Steel, of the Value of Five Shillings, which he the said *William Lord Byron*, in his Right Hand, then and there had and held, him the said *William Chaworth*, in and upon the Left Side of the Belly of the said *William Chaworth*, near the Navel of the said *William Chaworth*, then and there feloniously, wilfully, and of his Malice aforesought, did strike, thrust, stab, and penetrate, giving to the said *William Chaworth*, with the Sword drawn as aforesaid, in and upon the said Left Side of the Belly of the said *William Chaworth*, near the Navel of the said *William Chaworth*, One mortal Wound, of the Depth of Six Inches and of the Breadth of Half an Inch; of which said mortal Wound the said *William Chaworth*, at the said Parish of *Saint James*, within the Liberty of *Westminster*, in the said County of *Middlesex*, and also at the Parish of *Saint George, Hanover Square*, within the Liberty of *Westminster* aforesaid, in the same County, from the said Twenty-sixth Day of *January*, in the Year aforesaid, until the Twenty-seventh Day of the same Month, in the same Year, did languish, and languishing did live; on which said Twenty-seventh Day of *January*, in the Year aforesaid, the said *William Chaworth*, at the said Parish of *Saint George, Hanover Square*, in the Liberty of *Westminster* aforesaid, in the said County of *Middlesex*, of the said mortal Wound did die: And so the Jurors aforesaid, upon their Oath aforesaid, do say, That the said *William Lord Byron*, him the said *William Chaworth*, in Manner and Form aforesaid, feloniously, wilfully, and of his Malice aforesought, did kill and murder, against the Peace of our said Lord the King, his Crown and Dignity.

Witnesses,

John Hervit, Esquire,
Frederick Montague, Esquire,
John Sberwyn, Esquire,
George Donston, Esquire,
Francis Mallyneux, Esquire,
The Honourable Thomas Willoughby, Esquire,
Cesar Hawkins, Esquire,

Anthony Addington, Esquire,
John Edwards,
James Finnmore,
Thomas Wally Partington, Esquire,
William Levinz, Esquire,
Robert Adair, Esquire.

Sworn in Court.

A true Bill.

Lord High Steward. Is it your Lordships Pleasure, that the Judges have Leave to be covered?

Lords. Ay, ay.

Clerk of the Crown. Serjeant at Arms, make Proclamation for the Lieutenant of the Tower to bring his Prisoner to the Bar.

Serjeant at Arms. Oyez, Oyez, Oyez! Lieutenant of the Tower of *London*, bring forth *William Lord Byron*, your Prisoner, to the Bar, pursuant to the Order of the House of Lords.

Then *William Lord Byron* was brought to the Bar by the Deputy Governor of the Tower, having the Ax carried before him by the Gentleman-Gaoler, who stood with it on the Left Hand of the Prisoner, with the Edge turned from him. The Prisoner, when he approached the Bar, made Three Reverences, and then fell upon his Knees at the Bar.

Lord High Steward. Your Lordship may rise. Then

Then the Prisoner rose up, and bowed to his Grace the Lord High Steward, and to the House of Peers; which Compliment was returned him by his Grace, and the Lords.

Then, Proclamation having been again made for Silence, the Lord High Steward spake to the Prisoner, as follows.

Lord High Steward.

William Lord Byron,

YOUR Lordship is unhappily brought to this Bar to answer a heavy and dreadful Accusation, for you are charged with the Murder of a Fellow Subject.

The Solemnity and awful Appearance of this Judicature, must naturally embarrass and discompose your Lordship's Spirits, whatever internal Resource you may have in Conscience to support you in your Defence.

It may be therefore not improper for me to remind your Lordship, that you are to be tried by the fixed and settled Laws of a free Country, framed only to protect the Innocent, to distinguish the Degrees of Offence, and vindictive only against Malice and premeditated Mischief.

Homicide, or the Killing of a Fellow Creature, is by the Wisdom of the Law distinguished into Classes; if it by Accident ariseth from Necessity, or is without Malice, it is not Murder, and of these Distinctions, warranted by Evidence, every Person, though accused by a Grand Jury, standing indifferent, is at full Liberty to avail himself.

As an additional Consolation your Lordship will reflect that you have the Happiness to be tried by the supreme Judicature of this Nation; that you can receive nothing from your Peers but Justice, distributed with Candor; delivered too under the strongest Obligation upon noble Minds, Honor. These Considerations will, I hope, compose your Lordship's Mind, fortify your Spirits, and leave you free for your Defence.

Before I conclude, I am, by Command of the House, to inform your Lordship, and all others that shall have Occasion to speak to the Court during the Trial, that they are to address themselves to the Lords in general, and not to any Lord in particular.

Lord High Steward. *William Lord Byron,* your Lordship will do well to give Attention, while you are arraigned on your Indictment.

Then Proclamation was made for Silence.

After which, *William Lord Byron* was arraigned, in the Form of the said Indictment against him, by the Clerk of the Crown in the King's Bench.

Clerk of the Crown. How say you, *William Lord Byron*, Are you guilty of the Felony and Murder whereof you stand indicted, or not guilty?

William Lord Byron. Not guilty, my Lords.

Clerk of the Crown. Cul' p'rît,

How will your Lordship be tried?

William Lord Byron. By God and my Peers.

Clerk of the Crown. God send your Lordship a good Deliverance.

Clerk of the Crown. Serjeant at Arms, make Proclamation.

Serjeant at Arms. Oyez, Oyez, Oyez! All manner of Persons that will give Evidence, on Behalf of our Sovereign Lord the King, against *William Lord Byron*, the Prisoner at the Bar, let them come forth, and they shall be heard; for now he stands at the Bar upon his Deliverance.

Lord High Steward. My Lords, the Distance of this Place from the Bar is so great, that I must desire your Lordships Leave to go down to the Table for the Convenience of hearing.

Lords. Ay, ay.

Then his Grace removed to the Table.

Mr. Cornwall.

May it please your Lordships,

WILLIAM Lord BYRON stands indicted by the Grand Jury of the County of Middlesex for Murder; and the Indictment sets forth, That *William Lord Byron*, on the Twenty-sixth Day of January, in the Fifth Year of his present Majesty's Reign, with Force and Arms, at the Parish of Saint James, in the County of Middlesex, feloniously, wilfully, and of his Malice aforethought, did make an Assault in and upon one *William Chaworth*, Esquire, and with a Sword drawn, then in his Right Hand, in and upon the Left Side of the Belly of the said *William Chaworth*, did strike and stab, giving to the said *William Chaworth* a mortal Wound, of the Depth of Six Inches and of the Breadth of Half an Inch; of which Wound the said *William Chaworth*, at the Parish of Saint James aforesaid, and also

At the Parish of Saint George, Hanover Square, languished from the Twenty-sixth Day of January aforesaid, till the Twenty-seventh Day of the same Month, in the Year aforesaid, and then and there of the said mortal Wound died ; and the Jurors aforesaid, upon their Oath, say, That the said *William Lord Byron*, the said *William Cheworth*, in Manner aforesaid, feloniously, wilfully, and of his Malice aforethought, did kill and murder.

To this Indictment the Noble Prisoner at the Bar, has pleaded Not guilty, and hath put himself upon your Lordships his Peers for Trial.

It is our Duty to produce to your Lordships the Evidence we have to offer in Support of this Charge ; your Lordships will determine upon that Evidence, and give such Judgment as your Lordships shall think the Justice of the Case requires.

Mr. Attorney-General, Sir Fletcher Norton, Knight,

May it please your Lordships,

I Am likewise of Council for this Prosecution ; and by the Indictment which has been opened, your Lordships have heard that the noble Prisoner at the Bar is charged with one of the highest Offences that human Nature is capable of committing, nothing less than shedding the Blood of a Fellow Creature.

My Lords, I need not enlarge upon this Subject, the Crime itself is incapable of Aggravation ; it is my Province to lay before your Lordships the State of the Evidence which will be produced in Support of the Charge ; and as it is not my Duty, so neither is it my Inclination, to exaggerate any Thing upon this Occasion ; but publick Justice requires, that the whole Proof should be brought fully and fairly before your Lordships.

I hope it will neither be thought impertinent or improper for me to make some general Observations upon the Law, which may respect the Offence now under Consideration ; the Utility and Application of which your Lordships will see in the Course of the Evidence.

My Lords, as it will be proved beyond a Doubt, in the Course of these Proceedings, that the Deceased fell by the Hands of the noble Prisoner at the Bar, I shall therefore take that Fact for granted ; and if so, every Presumption in Law arises against him ; and it will be incumbent upon the Prisoner to exculpate himself in the best Manner he is able ; for though every Homicide is not Murder, yet every Homicide, *prima facie*, is so, and it is required of the Prisoner to make out, that the Fact of Killing in this Case was not committed under Circumstances which will make it Murder : And I admit the Law will allow the Prisoner to shew the Homicide justifiable, excusable, or done under such Circumstances of Extenuation, as to induce your Lordships to think it was not done with Malice aforethought, and then it will be Manslaughter, and not Murder.

It is clear in Point of Law, if there be a Quarrel, and the Parties afterwards have Time to cool, and after that they fight, and one falls, he who survives has been guilty of Murder ; or if the Manner in which the Fact was done bespeaks a Depravity of Mind, and a Wickedness of Intention, that will make it Murder.

My Lords, as this Case must depend upon a very nice and strict Enquiry into all the Circumstances that accompanied the Fact, in order to mark the Offence with One or other of these Denominations (for an Offence Manslaughter is in the Eye of the Law) so I am persuaded your Lordships will attend carefully to the Evidence which may be produced ; and I am convinced we shall hear such a Judgment from your Lordships, as, under all the Circumstances of the Case, Justice shall require : And this must afford Matter of the greatest Consolation to the noble Prisoner at the Bar (if he is innocent) because your Lordships Understanding cannot be deceived, nor your Judgment biassed : But, on the other Hand, if his Lordship is guilty of the Offence laid to his Charge, he must know, that no Art, no Subterfuge, no Management, will avail him ; Innocence, and Innocence alone can be his Support and Defence.

Having said this, give me Leave to observe to your Lordships, the Happiness of this Constitution under so gracious a Prince, as his present Majesty, who aims at no other Rule of Government than that which the Law prescribes, and has no other Wish than that in all Cases, and over all Persons indiscriminately, the Law should be impartially administered ; and when the Laws are thus administered, and allowed their due Force, such is the Excellency of the English Constitution, that the meanest Subject is not beneath their Protection, nor the highest beyond their Reach ; thus to be governed is the full Perfection of Civil Liberty.

On the 26th of January last, the noble Prisoner at the Bar, the Deceased, and many more Gentlemen of Rank and Fortune of the County of Nottingham, met, as they usually did once a Week, to dine together at the Star and Garter Tavern, in Pall-Mall : In the Course of the

Dinner

Dinner there was nothing but Good-humour ; about Seven at Night the Conversation turned upon the Subject of Game : Upon this Occasion Mr. Chaworth had something of a Dispute with the Gentleman who sat next him, about the best Method of preserving the Game : The Prisoner at the Bar interfered upon that Subject, and said, in his Opinion, the Way to have Game was to take no Care of it ; Mr. Chaworth happened to be of a different Opinion, and thought the best Way was, to be strict with Poachers, and thereby preserve the Game : This drew on some Altercation ; Mr. Chaworth added, that he believed there was not a Hare in that Part of the Country, but what was preserved by himself or Sir Charles Sedley ; upon which Lord Byron offered a Wager of an Hundred Pounds that he had more Game in a Manor or Manors of his than Mr. Chaworth had upon any that belonged to him. Your Lordships will find a little Difference in the Account given by the Witnesses, touching the Terms of the Wager ; but you will have them from the Witnesses themselves, who are all Gentlemen of Character, and as they have most of them been already examined before the Coroner, and again before the Grand Jury, they did not choose to be examined by those concerned in the Prosecution ; but said, when they were called and examined before your Lordships, they should speak the Truth, as doubtless they will ; and I only mention this Circumstance as an Excuse for myself, if I should not happen to open the Evidence exactly as it may come out from the Witnesses.

My Lords, Mr. Chaworth having said he was willing to accept the Wager, said it would be proper to make a Memorandum of it, and called for Pen, Ink, and Paper ; after that, it happened that Sir Charles Sedley's Manors were mentioned ; upon which the noble Prisoner at the Bar said, with some Degree of Heat, Sir Charles Sedley's Manors ! where are his Manors ? to which Mr. Chaworth replied, Why Hucknel and Nuttall : His Lordship then said, I know no Manors of Sir Charles Sedley's ; to which Mr. Chaworth replied, Sir Charles Sedley has a Manor, the Manor of Nuttall is his, and one of his Ancestors bought it out of my Family ; and if your Lordship wants any further Information about his Manors, Sir Charles Sedley lives in Dean-Street, and your Lordship knows where to find me in Berkley-Row.

My Lords, whether this was a real Dispute between Lord Byron and Mr. Chaworth, about Sir Charles Sedley's Manors, or whether it was used only as a Means of affronting and quarrelling with each other, it is impossible for me to say ; however, after this Quarrel, the Parties staid in Company together for a considerable Time, I believe near an Hour, during which Time, both the noble Prisoner at the Bar and Mr. Chaworth entered into Conversation with the Company that sat next to them upon indifferent Subjects, and particularly Lord Byron was observed to be in good Honour.

The Company thought there was an End of the Quarrel, and that no more would be heard of it : About Eight, an hour after the first Quarrel, Mr. Chaworth went first out of the Room, and it happened a Gentleman went after him to the Door, and he asked the Gentleman, whether he had observed the Dispute between him and Lord Byron ? he said, he had in Part, upon which Mr. Chaworth asked him, if he thought he had gone far enough ? to which Mr. Donston (for that was the Gentleman's Name) said, he thought he had gone too far ; it was a fifty Business, and neither of them should think of it again.

Mr. Chaworth going down Stairs, Mr. Donston returned into the Room, and, as he opened the Door, he met Lord Byron coming out. I must now state to your Lordships the Evidence as it arose from the Declarations of the Deceased, as well as the Facts which will be proved ; for, both being legal Evidence, they just stand under the same Predicament, and the Evidence being thus put, will come in proper Order in Point of Time ; the Prisoner at the Bar saw the Deceased upon the Stairs, and said to him, Sir, I want to speak with you ; they then went down one Pair of Stairs, and one or other of them called out, Waiter ; which of them it was I am not instructed to say ; upon the Waiter's coming, the noble Prisoner at the Bar asked him, whether either of these two Rooms (pointing to them) were empty ? the Waiter opened one of the Doors, and went in, with a poor little Tallow Candle, which was all the Light, except a dull Fire, that was in the Room ; the Waiter set the Candle upon the Table, and Lord Byron and Mr. Chaworth went into the Room ; when they were there the Prisoner asked Mr. Chaworth, whether he was to have recourse to Sir Charles Sedley to account for the Business of the Game, or to him ? The Deceased said, To me, my Lord ; and if you have any Thing to say, it would be best to shut the Door, least we should be overheard : Mr. Chaworth went to shut the Door, and turning from the Door, he saw the noble Prisoner just behind him, with his Sword half-drawn, or nigh drawn, and at that Instant Lord Byron called out—Draw ! The Business was soon done ; Mr. Chaworth finding his Lordship in such a Situation, had nothing left for it but to draw as quickly as he could : By his own Account he has told he gave the noble Prisoner the first Thrust, and intangled his Sword in his Waist-coat, and thought he had wounded him ; after that, Lord Byron shortened his Sword, and stabbed Mr. Chaworth.

There

There was another Circumstance, the Bell rung ; but by whom it was rung I know not ; the Waiter came up, and seeing the Situation of the Two Gentlemen, was not a little frightened, he run out again, and sent up the Master of the Tavern, who will tell your Lordships how he found them. I think they were grasped in each other's Arms, and Mr. *Chaworth* had his Sword in his Left-hand, and the noble Prisoner at the Bar had his in his Right-hand ; the Deceased delivered his readily, but Lord *Byron* quitted his with Reluctance. One of them, I believe Lord *Byron*, ordered him to send for Relief : Upon this Mr. *Hawkins* the Surgeon was soon sent for, and as soon came ; but before this, an Alarm was given in the Room above Stairs, the Company came down, they saw the terrible Situation of the unfortunate Gentleman ; he told them, and your Lordships will hear, the Manner in which it happened, pretty nearly as I have stated it, at least I hope substantially so. When Mr. *Hawkins* came, it did not require a Person of his Skill and Penetration to find out that the Wound was mortal, for the Sword had gone in at one Side, and out at the other ; Mr. *Hawkins* ordered, no doubt, what was proper, and had him conveyed Home. Mr. *Chaworth* had sent Messengers for the worthy Gentleman, who is the Prosecutor upon this Occasion ; when he came, seeing so near a Friend and Relation in the Condition the Deceased then appeared, he immediately inquired what had brought him into that terrible Situation. His Evidence will be material ; for Mr. *Chaworth* told Mr. *Levinz* the whole Transaction : And when the Deceased related to him the Circumstance that Lord *Byron* had drawn, or nigh drawn, his Sword, when the Deceased was shutting the Door, Mr. *Levinz* asked him, Was that fair, *Billy* ? The Deceased, who was one of the most benevolent, as well as one of the bravest of Men, gave no Answer to that Question : Mr. *Levinz* followed him with some other Questions, and the Answers (which he will give you an Account of) will amount in Substance to this, that Mr. *Chaworth* did not think when Lord *Byron* carried him into the Room, that he had any Design of fighting him ; but afterwards he thought he had got him to an Advantage, and that was the Reason of his fighting him.

My Lords, besides this ; the Deceased having made his Will, the Person who attended him upon that Occasion, thought it proper that some Questions should be asked him, even though the Deceased was then in great Agonies (for he died soon afterwards) ; and the same Person wished, that the Answers might be reduced into Writing, which was accordingly done ; and the Paper will be produced to your Lordships, and will speak for itself ; and it will need no Comment.

It states, that Mr. *Chaworth* said, the noble Prisoner's Sword was half-drawn when he turned from the Door, that, knowing his Man, he immediately whipped out his own, and had the first Lunge at his Lordship, when Lord *Byron* shortened his Sword, and run him through ; and then said, with an Oath, I have as much Courage as any Man in *England*. This is the Nature of the Case in general ; and I believe I have stated the Evidence substantially, if not correctly true.

I cannot sit down without mentioning another Circumstance, which further evinces his Majesty's Love of Justice, and his inflexible Resolution to do Right, according to Law, without Favour or Affection, however high and respectable the noble Personage may be, who is concerned in this important Cause. Your Lordships all remember, upon another very solemn and melancholy Occasion, as the Event proved, the then noble Prisoner had killed a Person of very inferior Rank, who left neither a Fortune nor Relations equal to the Expence of a Prosecution of this Sort, his Majesty, from his Love of Justice, sustained the whole Charge, and committed the Care of that Prosecution to his own Servants ; but in the present Instance, the Deceased having a large Fortune, and the Inheritor of it being both able and willing to carry on this Prosecution, his Majesty, from the same Love of Justice, and that there might not be the Appearance of Partiality to the noble Prisoner at the Bar, has left the Prosecution, and the intire Management of it, in the Hands of the private Prosecutor, who, actuated with no Motive of Revenge, only hopes, that there will be a fair, but a strict and full Enquiry for the Blood of his deceased Relation ; being thoroughly satisfied, that your Lordships will hear with Patience, deliberate with Caution, and determine with Wisdom, Justice, and Truth.

Mr. Sollicitor General. **M**Y Lords, we will now proceed to call out Witnesses.
William de Grey, Esq; Call John Hewett, Esquire.

Who came to the Bar, and one of the Clerks held the Book to him, upon which he laid his Hand.
Clerk of the Crown. Hearken to your Oath.

The Evidence that you shall give on Behalf of our Sovereign Lord the King's Majesty, against William Lord Byron, the Prisoner at the Bar, shall be the Truth, the whole Truth, and nothing but the Truth: So help you G O D.

Then he kissed the Book.

Mr. Sollicitor General. My Lords, I would ask Mr. Hewett if he was present at the Star and Garter in Pall-mall on the Twenty-sixth of January last?

Mr. Hewett. I was; I dined there, my Lords, the Twenty-sixth of January.

Lord High Steward. I cannot at this Distance hear One Word of what is said by the Witness.

Then one of the Clerks was sent down to the Bar to repeat the Questions put to the Witness, and their Answers.

Mr. Sollicitor General. I desire that Mr. Hewett will tell your Lordships if he was present at the Star and Garter Tavern on the Twenty-sixth of January last?

Mr. Hewett. I was: I dined at the Star and Garter on the Twenty-sixth of January last.

Mr. Sollicitor General. Was it any particular Meeting?

Mr. Hewett. It was: It was a County Club.

Mr. Sollicitor General. Of what County?

Mr. Hewett. The Gentlemen of Nottinghamshire.

Mr. Sollicitor General. I desire you will name the Gentlemen then present.

Mr. Hewett. Lord Byron, Francis Molineux, Esquire, John Sherwin, Esquire, the Honourable Thomas Willoughby, Frederick Mountagu, Esquire, William Chaworth, Esquire, George Donston, Esquire, Charles Melliss junior, Esquire, Sir Robert Burdett, and myself.

Mr. Sollicitor General. At what Time did the Company dine?

Mr. Hewett. The Dinner was upon the Table precisely at a Quarter after Four o'Clock.

Mr. Sollicitor General. Do you recollect any Conversation relative to the Game?

Mr. Hewett. I do; it was some Time after Dinner before any such Conversation arose.

Mr. Sollicitor General. You will please to recollect the Time.

Mr. Hewett. At or about the Time the Drawer brought in the First Reckoning.

Mr. Sollicitor General. About what o'Clock might that be?

Mr. Hewett. It was about or after Seven o'Clock. The Rule of the Club was to have the Bill and a Bottle brought at Seven o'Clock.

Mr. Sollicitor General. Do you recollect whether it was about Seven, or long after Seven o'Clock?

Mr. Hewett. I believe it could not be long after Seven o'Clock.

Mr. Sollicitor General. Had the Company at that Time drank much?

Mr. Hewett. I think the Company were all very sober when we parted.

Mr. Sollicitor General. Do you mean that all the Company were very sober when they parted at Seven o'Clock?

Mr. Hewett. I think so, my Lords.

Mr. Sollicitor General. I wish Mr. Hewett would recollect the Conversation that passed about the Game?

Mr. Hewett. What I heard relating to it was a Dispute in whose Manor, or in what Manor, there was the most Game.

Mr. Sollicitor General. Do you recollect by whom the Conversation was begun?

Mr. Hewett. The Conversation about the Game began from myself.

Mr. Sollicitor General. In what Manner?

Mr. Hewett. By starting a Proposition for preserving the Game, besides the present System of the Game Laws, which has very often, where I have been, produced agreeable Conversation.

Mr. Sollicitor General. Who were the Persons in particular who entered into that Conversation?

Mr. Hewett. I believe all the Company, more or less.

Mr. Sollicitor General. Do you recollect what Mr. Chaworth said on that Occasion?

Mr. Hewett. I recollect hearing a Bet proposed of One Hundred Pounds.

Mr. Sollicitor General. Was that the First Time Mr. Chaworth had said any Thing upon the Subject?

Mr. Hewett. I cannot take upon me to say that: I can describe the Order in which we sat, and the Persons I was in Conversation with at the Time the Bet was proposed; Mr. Mountagu sat next me on my Right-hand, I sat at the Head of the Table, Mr. Willoughby sat next Mr. Mountagu, Mr. Sherwin next him, Mr. Molineux next to him, Lord Byron was the last Person on the same Side the Table, and farthest from me on my Right-hand, and on my Left-hand Mr. Chaworth sat next me, Mr. Donston next, Mr. Mellish next, Sir Robert Burdett next on that Side.—I was engaged in some Subject with Mr. Sherwin, and the Gentlemen on my Right-hand, at the Time when the Conversation passed between Lord Byron and Mr. Chaworth.

Lord High Steward. Recollect yourself again.

Mr. Hewett. I was conversing with Mr. Sherwin, and the Gentleman on my Right-hand, when I heard the Conversation about the Bet between Lord Byron and Mr. Chaworth.

Mr. Sollicitor General. Please to repeat exactly the Conversation between Lord Byron and Mr. Chaworth, in the Order in which it passed.

Mr. Hewett. I cannot recollect any Thing farther of the Conversation than I have done.

Mr. Sollicitor General. Be so good as to repeat again what that Conversation was?

Mr. Hewett. It was a Dispute in whose Manor or Manors there was the most Game.

Mr. Sollicitor General. Whose Manors were understood?

Mr. Hewett. I heard none mentioned at all; I imagined as Lord Byron and Mr. Chaworth were Neighbours in the Country, it was their Manors they were speaking of.

Lord Mansfield. Mr. Hewitt won't speak as to Imagination; they can only ask him as to Facts.

Mr. Sollicitor General. After this Bet was proposed, what passed?

Mr. Hewett. I did not perceive any other Conversation between Mr. Chaworth and Lord Byron, but what I have mentioned, during the whole Day.

Mr. Sollicitor General. At what Time did the Conversation close upon that Subject?

Mr. Hewett. Very soon, my Lords.

Mr. Sollicitor General. What Conversation followed upon that?

Mr. Hewett. A great Variety, I think.

Mr. Sollicitor General. Did Mr. Chaworth join in that Conversation?

Mr. Hewett. He did, my Lords.

Mr. Sollicitor General. Did Lord Byron join in any Conversation afterwards?

Mr. Hewett. Lord Byron being the farthest from me of any of the Company, I did not hear any Conversation of his afterwards; but I observed he was conversing with Mr. Molineux afterwards.

Mr. Sollicitor General. Did you observe whether Lord Byron seemed to be in or out of Humour after the Conversation about the Game?

Mr. Hewett. He seemed to be conversing with Mr. Molineux in good Humour.

Mr. Sollicitor General. How long did this Conversation last before Mr. Chaworth went out of the Room?

Mr. Hewett. It must be after Eight o'Clock before Mr. Chaworth went out of the Room.

Mr. Sollicitor General. Did Mr. Chaworth, when he left the Room, take any Body with him?

Mr. Hewett. Mr. Donston was out of the Room at the same Time; but whether he went with him, or followed him, I do not know.

Mr. Sollicitor General. How long did Mr. Donston stay out of the Room?

Mr. Hewett. A very short Time, I think.

Mr. Sollicitor General. Did Lord Byron leave the Room?

Mr. Hewett. Lord Byron left the Room at the very Instant Mr. Donston came in.

Mr. Sollicitor General. Mr. Hewett says that Mr. Donston stayed out of the Room but a very short Time; I should be glad to know what he reckons a short Time?

Mr. Hewett. I am not able to judge of the Time; but from the Hour of paying the Reckoning, and the Time I went into the Room where Mr. Chaworth was wounded.

Mr. Sollicitor General. What was the First Account you had of any Thing that passed after they quitted the Room?

Mr. Hewett. Almost at the Instant of Mr. Donston's sitting down, a Drawer came into the Room, and told us that Lord Byron and Mr. Chaworth were fighting.

Mr. Sollicitor General. What was the Drawer's Name?

Mr. Hewett. I don't know.

Mr.

Mr. Sollicitor General. Did the Company go down?

Mr. Hewett. They went down as fast as they could.

Mr. Sollicitor General. Did you go into the Room where Mr. Chaworth and Lord Byron were?

Mr. Hewett. I did.

Mr. Sollicitor General. Where was the Room?

Mr. Hewett. It was a Back Room, up One Pair of Stairs.

Mr. Sollicitor General. What did you observe in that Room?

Mr. Hewett. I was lame at that Time; when I got into the Room Mr. Chaworth was sitting in an armed Chair, with his Left Leg on another Chair, and leaning his Head against Mr. Donson.

Mr. Sollicitor General. Did you observe the Condition in which Mr. Chaworth was?

Mr. Hewett. I did. He was wounded in the Belly, and had his Hand upon it, and there was a good deal of Blood under the Chair.

Mr. Sollicitor General. Did Mr. Chaworth say any Thing to you?

Mr. Hewett. He did.

Mr. Sollicitor General. What was that?

Mr. Hewett. He said he was a dying Man, and gave me an Account of the Transaction, and of what had passed between my Lord Byron and him: He said Lord Byron told him he wanted to speak to him; upon which they went into that Room together; that he told Lord Byron it was better to shut the Door that they might not be heard; that while he was doing it, Lord Byron bid him draw; that he saw his Lordship's Sword half-drawn, upon which he whipp'd out his own as quick as possibly he could to give him the Point; and he asked how Lord Byron was, whether he was mortally wounded, as he thought he was about his Breast; when his Lordship shortened his Sword, and stabbed him in the Belly.

Mr. Sollicitor General. Was you in the Room when Mr. Hawkins the Surgeon was sent for?

Mr. Hewett. I was not in the Room when Mr. Hawkins was sent for; Mr. Hawkins was in the Room when I was there.

Mr. Sollicitor General. Was Lord Byron in the Room at that Time?

Mr. Hewett. Lord Byron came into the Room, and went up to Mr. Chaworth, and asked him how he was?

Mr. Sollicitor General. What Answer was given by Mr. Chaworth?

Mr. Hewett. I don't recollect any.

Mr. Sollicitor General. Was you afterwards at Mr. Chaworth's House that Night?

Mr. Hewett. I was.

Mr. Sollicitor General. At what Time was it you went, and what passed there?

Mr. Hewett. I do not remember exactly. I was one of the subscribing Witnesses to Mr. Chaworth's Will. It might be about or after Three o'Clock in the Morning.

Mr. Sollicitor General. How was your Time employed, when you left the Star and Garter, till you went to Mr. Chaworth's House?

Mr. Hewett. Mr. Chaworth at different Times expressed himself as a dying Man: He asked me twice after Lord Byron and his Wound. When I went from the Star and Garter, I went with Mr. Willoughby, in my own Coach, to fetch Mr. Levinz, for whose Coming Mr. Chaworth was extremely impatient.

Mr. Sollicitor General. What Relation was Mr. Levinz to Mr. Chaworth?

Mr. Hewett. His Uncle.

Mr. Sollicitor General. Where did Mr. Levinz live?

Mr. Hewett. At Kensington Gore.

Duke of Newcastle. Did not Mr. Chaworth tell you he had mortally wounded Lord Byron; for I think you said, when you came into the Room Mr. Chaworth asked how Lord Byron did, for he thought he was wounded about his Breast?

Mr. Hewett. Mr. Chaworth asked me how Lord Byron was; whether mortally wounded or not, for he thought he was about his Breast, when Lord Byron stabbed him into the Belly.

Earl Morton. Did Mr. Chaworth mention that he had given Lord Byron a Wound? Or did you imagine it was his own Wound he was speaking of?

Mr. Hewett. He inquired after a Wound he supposed he had given Lord Byron.

Lord Mansfield. My Lords, I believe it would be much better if your Lordships would forbear asking any Questions of the Witness till the Counsel for the Crown shall have done with the Witness; then Lord Byron will ask such Questions as he may think proper, and afterwards your Lordships will have an Opportunity of asking any Questions you please; otherwise I am afraid it will very much interrupt the Regularity of your Proceedings.

Mr. Sollicitor General. I was endeavouring to fix the Time when Mr. Hewett came to Mr. Chaworth's House, by asking him, how he was employed after he left the Star and Garter? Mr. Hewett said, in seeking Mr. Levinz, who lived at Kensington Gore.

Mr. Hewett. I sent my Coach for Mr. Levinz some Time before, and it returned without finding him; upon that I sent to the Duke of Leeds's House, to know if they knew any Thing of him there; they returned for Answer, that he dined there, and was gone Home.

Mr. Sollicitor General. I would ask you, if there was any Conversation between Mr. Chaworth and you after the making his Will in the Presence of Mr. Willoughby?

Mr. Hewett. There was no Conversation after the making his Will.

Mr. Sollicitor General. Did Mr. Chaworth make any Declarations of what had passed at that Time?

Mr. Hewett. He did.

Mr. Sollicitor General. Were those Declarations reduced into Writing?

Mr. Hewett. They were.

Mr. Sollicitor General. How long was it after they were made before they were reduced into Writing?

Mr. Hewett. We went down from the Bed-chamber into the Parlour.

Mr. Sollicitor General. There Mr. Partington delivered the Will into Mr. Levinz's Hands.

Mr. Hewett. No, I gave the Will into Mr. Levinz's Hands in the Parlour; then Minutes were made, and some Alterations made in them, till we were all agreed it was exactly what Mr. Chaworth had said.

Mr. Sollicitor General. Were the Minutes transcribed again after those Alterations were made?

Mr. Hewett. I believe they were.

Mr. Sollicitor General. Should you know the Paper Writing again if you saw it?

Mr. Hewett. I should not; but I remember that the Contents appeared to me exactly the same with the Account I have given your Lordships, except the Omission of the particular Term of Mr. Chaworth's whipping out his own Sword, and Lord Byron's shortening his.

Mr. Sollicitor General. Who wrote the Paper?

Mr. Hewett. Mr. Partington, an Attorney.

Mr. Sollicitor General. What became of it after it was written?

Mr. Hewett. I do not know.

Mr. Sollicitor General. Did you see Mr. Chaworth after that Paper was wrote?

Mr. Hewett. I did not.

Mr. Sollicitor General. Did Mr. Chaworth continue in his perfect Understanding till the last Time you saw him?

Mr. Hewett. He did. I understood many of the Questions put to him to be with a View of knowing that.

Mr. Sollicitor General. My Lords, I shall ask this Witness no farther Questions.

Lord High Steward. Lord Byron, would you ask this Witness any Questions?

Lord Byron. Might not a great deal pass in Company that you did not hear?

Mr. Hewett. Certainly there might.

Lord Byron. Was not you Toast Master?

Mr. Hewett. I was.

Lord Byron. Might not your Attention to that Office be the Reason that you did not hear several Things that passed?

Mr. Hewett. It might; but my Ears are not the best at any Time.

Lord Byron. My Lords, I have done with this Witness.

Lord Mansfield. I would ask One single Question of this Witness, if he can answer it precisely.

Mr. Chaworth, as I took it, told him that Lord Byron asked to speak to him; and when they went into the Room, Mr. Chaworth said they had better shut the Door. Now I would ask, whether it was, Shut the Door, or Bolt the Door?

Mr. Hewett. I believe the Word was, Shut the Door.

Earl of Denbigh. I desire to know whether the Paper Writing was shewn to Mr. Chaworth after it was copied?

Mr. Hewett. Mr. Chaworth was in his Bed-chamber above Stairs, the Paper was drawn up in the Parlour below Stairs; and I went away very soon after.

Lord Paulet. Were the Alterations in the Paper you mentioned, material ones or not?

Mr. Hewett. I thought it my Duty to the Publick to make an exact Minute of the Circumstances of the Day, which Minute I have now in my Hand, and it corresponds exactly with that Paper, except in the Circumstance I mentioned to your Lordships.

Earl of Buckinghamshire. I desire Mr. *Hewett* may be asked, if he expected Mr. *Chaworth* would have come back again?

Mr. Hewett. I did imagine he would have come back.

Earl of Buckinghamshire. I desire to know, whether, when Mr. *Chaworth* went out of the Room, he took his Hat with him or not?

Mr. Hewett. I don't know; I did imagine he would come back immediately.

Lord High Steward. I do not remember any precise Answer to the Question, who it was that offered the Bet?

Mr. Hewett. Lord *Byron* proposed the Bet.

Lord High Steward. Are you sure it was Lord *Byron*?

Mr. Hewett. I think I am sure it was; and Mr. *Chaworth* took it up, as I thought, in a Joke, and called for a Pen and Ink.

Lord High Steward. Do you recollect how the Conversation about the Game finished?

Mr. Hewett. I cannot.

Earl of Dartmouth. Do you remember the particular Discourse on the Game between Lord *Byron* and Mr. *Chaworth*?

Mr. Hewett. There were various Discourses upon the Subject by different People in Company; I was talking about the best Method for preserving Game, and the Discourse turned upon the Proposition, that it might be a sensible Way of preserving Game to make it the Property of the Owner of the Soil.

Earl of Dartmouth. Was there any general Debate on the Subject of the Game?

Mr. Hewett. It might be as to the probable Ways of preserving the Game.

Earl of Dartmouth. I think you said Lord *Byron* left the Room at the Instant Mr. *Danson* returned.

Mr. Hewett. I did.

Earl of Dartmouth. I desire to know whether Lord *Byron* sat so as to hear what passed between Mr. *Chaworth* and Mr. *Danson* on the Stairs?

Mr. Hewett. It was a mighty odd-shaped Room that we were in; the Door opened very inconveniently; Mr. *Danson* was scarcely set down, when the Waiter came into the Room and told us Lord *Byron* and Mr. *Chaworth* were fighting.

Duke of Richmond. Where did Mr. *Chaworth* sit?

Mr. Hewett. Mr. *Chaworth* sat next to me on my Left-hand.

Duke of Richmond. Could any Thing remarkable pass at the Table without your hearing it?

Mr. Hewett. My Ears are but indifferent at best; and at that Instant of Time I was talking to a Gentleman that sat on my Right-hand.

Duke of Richmond. When my Lord *Byron* asked Mr. *Chaworth*, where is Sir *Charles Sedley*'s Manor, did you understand it was in a friendly Manner, or what other Kind of Style?

Mr. Hewett. I have given that Part of my Evidence precisely in Mr. *Chaworth*'s Words, and your Lordships will interpret them as you think proper.

Duke of Richmond. If I understood you right, when you went into the Room Mr. *Chaworth* was then with One Leg upon a Chair, and he inquired how Lord *Byron* did?

Mr. Hewett. He did, my Lords, twice, and once at another Time.

Lord Le Despencer. I should be glad to know, whether there was any considerable Distance of Time between Lord *Byron* and Mr. *Chaworth*'s going out of the Room.

Mr. Hewett. I cannot resolve that Question precisely.

Lord Ravensworth. You said the Bill was called for about Seven o'Clock?

Mr. Hewett. It is the Order of the Club to the Master of the House to bring a Bill at Seven o'Clock.

Lord Ravensworth. You said you had no fixed Guide to judge as to Point of Time, but by the Bills being brought at Seven o'Clock; I desire to know by what Circumstances you guided yourself as to the Time in general?

Mr. Hewett. In Things of this Kind, one cannot be precise in every Thing; but I made a Minute, and I will tell you the Time as near as I can; my Watch was rather too fast; when I came into the Room to Mr. *Chaworth*, the Minute Hand of my Watch was between Eight and Nine, and the Hour Hand approaching Nine: This was at the First Time I saw Mr. *Chaworth* in that Condition; the Time of my being a Witness to Mr. *Chaworth*'s Will, was a little after Three in the Morning.

Lord High Steward. So you said before.

Lord High Steward. Who do you call next, *Mr. Sollicitor General?*
Sollicitor General. We desire to call *Frederick Mountagu, Esquire.*

Frederick Mountagu, Esquire, (Who was sworn in like Manner.)

Mr. Serjeant Glynn. I desire to ask *Mr. Mountagu*, if he was not present at the *Star and Garter* on the Twenty-sixth of January last?

Mr. Mountagu. I was.

Mr. Serjeant Glynn. I desire to know what Company was there?

Mr. Mountagu. There were *Lord Byron, Mr. Chaworth, Mr. Willoughby, Mr. Hewett, Mr. Molyneux, Mr. Donston, Mr. Sberwin, Mr. Melliss, and Sir Robert Burdet.*

Mr. Serjeant Glynn. Upon what Occasion were they met?

Mr. Mountagu. At a County Club.

Mr. Serjeant Glynn. At what Time might the Company dine?

Mr. Mountagu. A little after Four.

Mr. Serjeant Glynn. Do you remember any Dispute in the Company?

Mr. Mountagu. There arose a Dispute some time after Dinner.

Mr. Serjeant Glynn. At what Hour?

Mr. Mountagu. As near as I can recollect, at Seven o'Clock.

Mr. Serjeant Glynn. Do you remember the Subject of the Dispute?

Mr. Mountagu. The Dispute was upon Game.

Mr. Serjeant Glynn. Who were the Persons that disputed?

Mr. Mountagu. The Persons that principally disputed were *Lord Byron and Mr. Chaworth.*

Mr. Serjeant Glynn. Can you recollect the Conversation upon that Subject?

Mr. Mountagu. The Dispute was, whether it was better for the Preservation of Game to be remiss, or to be severe.

Mr. Serjeant Glynn. Do you recollect particularly what *Mr. Chaworth and Lord Byron* said?

Mr. Mountagu. *Mr. Chaworth* was of Opinion that Severity was best, and *Lord Byron* that it was better to be remiss.

Mr. Serjeant Glynn. I should be glad if *Mr. Mountagu* would repeat the whole Conversation that followed upon this.

Mr. Mountagu. The Dispute was upon the respective Manors of *Lord Byron* and *Mr. Chaworth*, and upon *Sir Charles Sedley's* Manor; the Conversation ended upon that Point, with *Mr. Chaworth's* saying, and to the best of my Recollection repeating, If you have any Thing more to say, you will find *Sir Charles Sedley* in *Dean-street*, and me in *Berkley Row*.

Mr. Serjeant Glynn. Repeat what Conversation passed before *Mr. Chaworth* said those Words?

Mr. Mountagu. In general, the Conversation was upon Game.

Mr. Serjeant Glynn. Do you recollect any Particulars of the Conversation?

Mr. Mountagu. No more than what I have repeated.

Mr. Serjeant Glynn. Was this the Whole? Recollect.

Mr. Mountagu. I can, upon my own Recollection, speak to nothing more.

Mr. Serjeant Glynn. *Mr. Mountagu* will recollect if he can, whether there was any Dispute at all about the Ownership of any Manor or Manors?

Mr. Mountagu. There was some mention made of a particular Manor, of *Hucknell Manor*.

Mr. Serjeant Glynn. By whom?

Mr. Mountagu. By *Mr. Chaworth*, I think.

Mr. Serjeant Glynn. Do you remember what was said about that Manor?

Mr. Mountagu. I think *Lord Byron* mentioned that Manor being his.

Mr. Serjeant Glynn. Do you remember any Answer *Mr. Chaworth* made to that?

Mr. Mountagu. No.

Mr. Serjeant Glynn. My Question to *Mr. Mountagu* was, whether he recollects any Conversation between *Lord Byron* and *Mr. Chaworth* about Manors?

Mr. Mountagu. Yes, there was a great deal of Conversation upon that Point.

Mr. Serjeant Glynn. Whether *Sir Charles Sedley* was mentioned or not?

Mr. Mountagu. His Name was mentioned.

Mr. Serjeant Glynn. How was *Sir Charles Sedley's* Name introduced?

Mr. Mountagu. I forget how it was first introduced.

Mr. Serjeant Glynn. Recollect what was said about *Sir Charles Sedley*, when his Name was mentioned?

Mr.

Mr. Mountagu. It was mentioned that he was severe upon his Manors.

Mr. Serjeant Glynn. By whom was that said?

Mr. Mountagu. Either by Lord *Byron* or Mr. *Chaworth*, I forget which.

Mr. Serjeant Glynn. How long did the Conversation about Game continue?

Mr. Mountagu. About Twenty Minutes, I should guess; but I cannot speak positively.

Mr. Serjeant Glynn. Did the Company then break up?

Mr. Mountagu. No.

Mr. Serjeant Glynn. How long might they continue afterwards together?

Mr. Mountagu. An Hour.

Mr. Serjeant Glynn. Were the Company after this Conversation in good Humour or not?

Mr. Mountagu. They appeared to be in good Humour.

Mr. Serjeant Glynn. Did Mr. *Chaworth* join in the Conversation?

Mr. Mountagu. He did.

Mr. Serjeant Glynn. Did Lord *Byron* join in Conversation?

Mr. Mountagu. He did, each with those who sat near.

Mr. Serjeant Glynn. Did Lord *Byron* appear to be in good Humour?

Mr. Mountagu. I saw nothing to the contrary.

Mr. Serjeant Glynn. At what Time did Mr. *Chaworth* leave the Company?

Mr. Mountagu. About Eight.

Mr. Serjeant Glynn. Whether he left the Company alone, or did any Person go out with him?

Mr. Mountagu. I think Mr. *Donston* followed him,

Mr. Serjeant Glynn. Did Mr. *Donston* return to the Company or not?

Mr. Mountagu. He did.

Mr. Serjeant Glynn. How soon after his going out with Mr. *Chaworth*?

Mr. Mountagu. A few Minutes; I cannot speak exactly to the Number.

Mr. Serjeant Glynn. Did Lord *Byron* go out of the Room at that Time?

Mr. Mountagu. He did afterwards.

Mr. Serjeant Glynn. Did Lord *Byron* go out of the Room before or after the Return of Mr. *Donston*?

Mr. Mountagu. About that Time.

Mr. Serjeant Glynn. At what Time of the Night might that be?

Mr. Mountagu. A very little after Eight.

Mr. Serjeant Glynn. Had the Company drank moderately, or otherwise?

Mr. Mountagu. Moderately.

Mr. Serjeant Glynn. When did you first hear of Mr. *Chaworth* after this?

Mr. Mountagu. I went down Stairs about that Time myself, and as I was going out of the Door of the Tavern, the Master of the Tavern called me back, and told me that Mischief had happened; and that Mr. *Hawkins* was sent for; I ran up Stairs with one of the Drawers.

Mr. Serjeant Glynn. Who was that Drawer?

Mr. Mountagu. I do not recollect him in particular; I ordered him to fetch the Company from above Stairs, and went into the Room immediately myself, where I found Mr. *Chaworth* in a Chair bleeding, and Lord *Byron* standing by him.

Mr. Serjeant Glynn. Was there any Person in the Room when you came in, except Lord *Byron* and Mr. *Chaworth*?

Mr. Mountagu. No, I think not; the Company above Stairs came in soon after.

Mr. Serjeant Glynn. Give an Account of what passed between Mr. *Chaworth* and the Company, when they came in?

Mr. Mountagu. Mr. *Chaworth* first told me that he could not live Five Minutes; that he forgave Lord *Byron*, and hoped the World would forgive him too; that he had rather be in his own Situation than Lord *Byron*'s; he said the Affair passed in the Dark: Upon my desiring an Explanation, he pointed to a very small Tallow Candle, which stood upon the Table in the Room we were then in. Mr. *Chaworth* told me, that when Lord *Byron* and he came into the Room where they then were, Lord *Byron* asked Mr. *Chaworth*, if he meant the Conversation upon Game to Sir *Charles Sedley* or to him? Mr. *Chaworth* said, If you have any Thing to say, we had better shut the Door; after he had shut the Door, he turned, and saw Lord *Byron* drawing his Sword; he drew his, and made the First Pass, and in his Pass he entangled his Sword in the Left Side of Lord *Byron*'s Waistcoat; upon which Lord *Byron* shortened his Sword, and run him through the Body.

Mr. Serjeant Glynn. Was this the Whole of what Mr. *Chaworth* said?

Mr. Mountagu. I recollect nothing material besides.

Mr.

Mr. Serjeant Glynn. Did Mr. Chaworth, from the Manner of relating this Affair, appear to be sensible or not?

Mr. Mountagu. Perfectly so.

Lord High Steward. Lord Byron, would your Lordship ask this Witness any Questions?

Lord Byron declined asking him any Questions.

Lord High Steward. How soon might you leave the Room after Mr. Donston returned?

Mr. Mountagu. About a Minute.

Lord High Steward. You passed the Room upon the First Floor as you went down?

Mr. Mountagu. I did, my Lords.

Lord High Steward. You heard no Fighting?

Mr. Mountagu. None in the World.

Lord High Steward. When you went down, did you stop?

Mr. Mountagu. A few Minutes in calling a Chair.

Lord High Steward. Were you got into the Chair?

Mr. Mountagu. I was not got into the Chair; I was not out of the Door.

Lord Berkeley. Was any Provocation given by Lord Byron, that might induce Mr. Chaworth to say to my Lord, If you have any Thing more to say to me or Sir Charles Sedley, you will find Sir Charles Sedley in Dean-street, and I live in Berkley Row?

Mr. Mountagu. I do not recollect any particular Provocation.

Lord Berkeley. Do you recollect any Thing more than the general Account you have given?

Mr. Mountagu. Nothing further, my Lords.

Duke of Richmond. Did you sit next Lord Byron?

Mr. Mountagu. No, my Lords, I did not sit next Lord Byron.

Duke of Richmond. From the Discourse that you heard, and what passed, did you expect a Duel?

Mr. Mountagu. No, my Lords, I did not.

Earl Temple. Did Mr. Chaworth say any Thing expressing his Imagination of his having wounded Lord Byron about the Breast?

Mr. Mountagu. I do not recollect any Thing that Mr. Chaworth said as to that.

Earl Temple. From Mr. Chaworth's Expressions, did any Thing induce you to think he had wounded Lord Byron?

Mr. Mountagu. No.

Earl Talbot. After Lord Byron and Mr. Chaworth went out of the Room, and were in the Room where they fought, Mr. Chaworth said, he saw Lord Byron's Sword half-drawn when he turned from fastening the Door, and the Gentleman who spoke before said Lord Byron called to Mr. Chaworth, and bid him draw; do you recollect whether Mr. Chaworth said Lord Byron bid him draw?

Mr. Mountagu. In the Conversation that passed I do not recollect that Circumstance of Lord Byron's bidding him draw.

Earl Poulet. Was you nearer seated to the Door than Lord Byron was?

Mr. Mountagu. No, I was not; I was at the upper End of the Table.

Earl Poulet. Was the Door at the upper or lower End of the Room?

Mr. Mountagu. It was a very odd-shaped Room.

Earl Poulet. Did Lord Byron sit near the Door?

Mr. Mountagu. No, he did not.

Earl Poulet. Do you think it was possible to hear what Words passed between Mr. Donston and Mr. Chaworth upon the Stairs?

Mr. Mountagu. I should think it impossible; there was a great Skreen before the Door.

Earl of Morton. Did not Mr. Chaworth say, the best Method of preserving Game was by Severity, and Lord Byron by Remissness?

Mr. Mountagu. Yes, my Lords, it was so.

Mr. Stowe. My Lords, I would call George Donston, Esquire.

George Donston, Esquire. (Who was sworn in like Manner.)

Mr. Stowe. Was you, on the Twenty-fifth of January, at Dinner with Lord Byron and other Gentlemen at the Star and Garter?

Mr. Donston. I was.

Mr. Stowe. Name the Gentlemen that composed the Company.

Mr. Donston. Lord Byron, Mr. Hewett, Mr. Willoughby, Mr. Chaworth, Mr. Sberwin, Mr. Mountagu, Sir Robert Burdet, Mr. Charles Mellish, and myself.

Mr. Stowe. Was there any Discourse between Lord Byron and Mr. Chaworth?

Mr. Donston. There was.

Mr. Stowe. What was the Subject of that Discourse?

Mr. Donston. It was about their respective Manors in the Country, and the Quantity of Game upon them.

Mr. Stowe. Do you recollect the Manner of the Conversation that passed between Lord Byron and Mr. Chaworth?

Mr. Donston. In general it was upon the best Method of preserving Game.

Mr. Stowe. What did Lord Byron give as his Opinion upon that Discourse?

Mr. Donston. Lord Byron thought it was best not to be too strict.

Mr. Stowe. What was Mr. Chaworth's Opinion?

Mr. Donston. Mr. Chaworth was for being strict, and for putting the Game Laws in Execution.

Mr. Stowe. Did any Thing pass relating any other Gentlemen, or the Estates of any other Gentlemen?

Mr. Donston. Yes, Sir Charles Sedley's Manor was mentioned.

Mr. Stowe. By whom was it mentioned?

Mr. Donston. By Mr. Chaworth.

Mr. Stowe. What did Mr. Chaworth say upon the mentioning Sir Charles Sedley's Manor?

Mr. Donston. He was speaking of the Quantity of Game upon Sir Charles Sedley's Manor.

Mr. Stowe. Was there any Bet mentioned relative to this Discourse concerning the Game?

Mr. Donston. Yes, there was a Bet proposed.

Mr. Stowe. By whom proposed?

Mr. Donston. I am not very sure by whom it was proposed.

Mr. Stowe. Was it proposed either by Lord Byron or Mr. Chaworth?

Mr. Donston. Yes, by one of them.

Mr. Stowe. Was any Bet made or not?

Mr. Donston. There was no Bet made.

Mr. Stowe. At what Time did this Conversation pass?

Mr. Donston. I believe about Seven o'Clock.

Mr. Stowe. Did Lord Byron or Mr. Chaworth continue in that Company any Time after this Discourse was over?

Mr. Donston. Yes, for some Time after.

Mr. Stowe. Whether after the Bet proposed, there was any other Conversation that passed between Lord Byron and Mr. Chaworth?

Mr. Donston. Yes; I remember, upon Sir Charles Sedley's Manor being mentioned, Lord Byron asked which was Sir Charles Sedley's Manor.

Mr. Stowe. Of whom did Lord Byron ask that?

Mr. Donston. Of Mr. Chaworth.

Mr. Stowe. Did Mr. Chaworth make any Answer?

Mr. Donston. He answered Nuttall.

Mr. Stowe. Did Mr. Chaworth mention any Thing more upon that Subject to Lord Byron; and what?

Mr. Donston. He did, after Lord Byron had repeated the same Question.

Mr. Stowe. What was further mentioned by Mr. Chaworth?

Mr. Donston. Mr. Chaworth said, upon his Lordship's asking him over again which was Sir Charles Sedley's Manor; Surely, my Lord, you will allow Nuttall to be Sir Charles Sedley's.

Mr. Stowe. Was any Thing more said respecting Sir Charles Sedley, or his Manors, or where he lived?

Mr. Donston. Yes, Mr. Chaworth went on to say, Sir Charles Sedley lives in such a Place, and can best inform you relating to his Manors; your Lordship knows where to find me in Berkley-Row.

Mr. Stowe. Did this conclude the Conversation on this Subject, or was any Thing more said at that Time?

Mr. Donston. The Conversation ended with the Words I have last said.

Mr.

Mr. Stowe. Did you stay in the Room till the Time Lord Byron and Mr. Chaworth went out?

Mr. Donston. I staid till Mr. Chaworth went out.

Mr. Stowe. What Distance of Time might that be from the End of the Conversation to Mr. Chaworth's going out of the Room?

Mr. Donston. I think it might be about an Hour.

Mr. Stowe. Did Lord Byron and Mr. Chaworth, during that Hour, enter into Conversation with one another, or with the rest of the Company?

Mr. Donston. I am not sure whether they did converse with each other; they did with the rest of the Company.

Mr. Stowe. At what Distance from one another did they sit?

Mr. Donston. At a pretty considerable Distance.

Mr. Stowe. Do you recollect any subsequent Conversation that Lord Byron entered into, except what you have mentioned?

Mr. Donston. I do not; I was at a Distance from Lord Byron.

Mr. Stowe. At what Time was it that Mr. Chaworth went out of the Room?

Mr. Donston. About Eight o'Clock; I am not quite sure as to the Time.

Mr. Stowe. Do you know the Purpose of his going out of the Room?

Mr. Donston. He was going down Stairs; I believe into the Yard.

Mr. Stowe. Did he take his Hat with him when he went out of the Room?

Mr. Donston. I think he did not.

Mr. Stowe. Did any body go along with Mr. Chaworth, or immediately follow him?

Mr. Donston. I went out with him.

Mr. Stowe. How far did Mr. Chaworth and you go?

Mr. Donston. A little Way without the Room.

Mr. Stowe. Was there any Conversation between Mr. Chaworth and you, when you were out of the Room?

Mr. Donston. There was.

Mr. Stowe. Was there any other Person besides Mr. Chaworth and you?

Mr. Donston. There was none.

Mr. Stowe. Repeat what that Conversation was that passed between Mr. Chaworth and you.

Mr. Donston. Mr. Chaworth asked me, If I attended to the Discourse between him and Lord Byron? I told him I did in Part: He then asked me, If he had been short in what he last said upon that Subject. I told him, No; I thought he said rather more than what was necessary upon so trifling an Occasion, and that I did not believe that either Lord Byron or the rest of the Company would think any more about it.

Mr. Stowe. Was there any other Conversation between Mr. Chaworth and you at that Time?

Mr. Donston. Yes; he asked me how long I stayed in Town, and hoped we should meet often.

Mr. Stowe. Was there any other Conversation between Mr. Chaworth and you relative to the Subject of the Discourse that had passed between my Lord Byron and Mr. Chaworth?

Mr. Donston. No.

Mr. Stowe. What became of Mr. Chaworth after this?

Mr. Donston. He turned to go down Stairs.

Mr. Stowe. Where did you go to?

Mr. Donston. Into the Room again.

Mr. Stowe. When you went into the Room, did you see Lord Byron, and where?

Mr. Donston. I stood with my Back to the Door, and upon turning round to go into the Room I saw Lord Byron.

Mr. Stowe. What was he doing at that Time?

Mr. Donston. He was coming out as I was going in.

Mr. Stowe. What Length of Time might it be from your going out to Mr. Chaworth, to the Time of your coming in again?

Mr. Donston. I cannot exactly tell, but I believe a very short Time.

Mr. Stowe. Can you form any Judgment how long it might be?

Mr. Donston. I think it could not be Five Minutes.

Mr. Stowe. When you met Lord Byron going out of the Door, was any Thing said?

Mr. Donston. No.

Mr. Stowe. Do you remember any Thing more that passed in the House that gave you any Alarm in Regard to Lord Byron and Mr. Chaworth?

Mr.

Mr. Donston. Yes, when I was in the Room, and saw that Lord *Byron* was not there, I began to reflect that they possibly might meet and resume their Discourse ; by that Time the Bell was rung by some of the Company, and the Waiter came into the Room. I met the Waiter, and asked him if he saw Mr. *Chaworth* ? and he said he believed he was below Stairs ; I desired he would go and see for him immediately, and tell him I must speak to him. I was then preparing to go down myself, and the Waiter immediately came up with an Account of Mr. *Chaworth*'s being run through the Body.

Mr. Stowe. What did you and the rest of the Company upon that ?

Mr. Donston. We all hastened down to the Room where Mr. *Chaworth* was.

Mr. Stowe. Did you see Mr. *Chaworth* in the Room, and who was there, and in what Situation ? I describe the Particulars.

Mr. Donston. I saw him in a great Chair in the Corner of the Room. Mr. *Fynmore*, the Master of the Tavern, was in the Room.

Mr. Stowe. How did Mr. *Chaworth* appear ?

Mr. Donston. He sat in the Chair, leaning his Head back ; I went to him, and asked him how he did ? he said he was run through the Body, and had not Five Minutes to live. Upon my asking how it happened ? he said he and Lord *Byron* went into the Room and fought. I then told him, I hoped his Wound was not so bad as he apprehended ; he said he was sure he was run through the Body, for that my Lord was very near him, and had shortened his Sword.

Mr. Stowe. Did you enquire any Thing of Mr. *Chaworth*, how they came to go into that Room and fight ?

Mr. Donston. No, I did not particularly.

Mr. Stowe. Did Mr. *Chaworth* relate any Thing to you about his going into the Room ?

Mr. Donston. He did ; and said, when he turned round from shutting the Door, he saw Lord *Byron* with his Sword half-drawn, and calling upon him to defend himself.

Mr. Stowe. What did Mr. *Chaworth* do when Lord *Byron* so called upon him ?

Mr. Donston. He drew, and they immediately engaged.

Mr. Stowe. Who said so ?

Mr. Donston. Mr. *Chaworth* himself said so.

Mr. Stowe. Was any Thing more said by Mr. *Chaworth* to you at that Time concerning this Matter ?

Mr. Donston. No, I do not recollect any Thing else material.

Lord High Steward. Recollect yourself, whether any Thing else material happened ; or did Mr. *Chaworth* say upon what Occasion they fought ?

Mr. Donston. No, he did not to me ; for I then got up, and he talked to other People who flocked about him.

Mr. Stowe. Did you hear Mr. *Chaworth* make any Enquiry concerning Lord *Byron*.

Mr. Donston. I heard him say he thought he had wounded Lord *Byron*.

Mr. Stowe. Did Mr. *Chaworth* say to you any Thing of the Manner in which he apprehended he had wounded Lord *Byron* ?

Mr. Donston. No, he did not to me.

Mr. Stowe. At the Time you left the Room at the *Star and Garter*, were all the Company sober or not ?

Mr. Donston. I think, perfectly so.

Mr. Stowe. My Lords, this is all I shall examine Mr. *Donston* to.

Lord High Steward. Lord *Byron*, would your Lordship ask this Witness any Questions ?

Lord Byron. What Reason had you to imagine that if I and Mr. *Chaworth* should meet we should resume the Discourse ?

Mr. Donston. It was very likely that they should come together, as I met my Lord so soon after I had parted with Mr. *Chaworth*.

Lord Byron. Was it not on account of the Words which you heard repeated in the Room, and what passed after Mr. *Chaworth* and you went out of the Room together ?

Mr. Donston. It was partly from the Words I heard in the Room, and partly from Mr. *Chaworth*'s having questioned me about them.

Lord Montfort. Why did you follow Mr. *Chaworth* out of the Room ?

Mr. Donston. Mr. *Chaworth* took hold of my Arm, and asked me to speak with him.

Lord Montfort. How came you not to follow Lord *Byron* down Stairs ?

Mr. Donston. I was returning into the Room, and was not sure it was Lord *Byron* till I came into the Room and saw that he was not there.

Earl of Buckinghamshire. Do you imagine Lord *Byron* could overhear any Part of the Conversation you had with Mr. *Chaworth* upon the Stairs ?

Mr.

Mr. Donston. I do not imagine Lord *Byron* could overhear it at that Distance.

Lord Berkeley. Do you know of any Words spoken by Lord *Byron* that could induce Mr. *Chaworth* to say, that if he wanted any Thing with Sir *Charles Sedley* he lived in such a Place, and that he, Mr. *Chaworth*, lived in *Berkley Row*?

Mr. Donston. It arose from Lord *Byron*'s asking the Question a Second Time about Sir *Charles Sedley*'s Manor.

Lord Berkeley. When Mr. *Chaworth* said to you, Do you think I have been short in what I said to Lord *Byron*? do not you apprehend, that that referred to the Words that Mr. *Chaworth* had said in the Room?

Mr. Donston. I believe it did.

Lord Berkeley. Did Mr. *Chaworth* leave his Sword in the Room as well as his Hat?

Mr. Donston. I do not believe he did; I think he never took his Sword off.

Lord Mansfield. Whether Lord *Byron* took his Hat with him when he went out?

Mr. Donston. I do not know at all.

Earl Talbot. When you reproved Mr. *Chaworth* for having gone too far in what he had said to Lord *Byron*, by saying, I think he said rather more than was necessary on so trifling an Occasion, did not you think the Words he had said were of Force enough to a Man of strict Honour, and nice Sensibility, to require an Explanation?

Mr. Donston. I did at first; but as they were spoke without much Heat or Passion, and no apparent Notice taken either by Lord *Byron*, or the rest of the Company, I thought they might admit of a different Construction.

Lord Carteret. Did any Thing pass between you further than what you have acquainted the Lords with?

Mr. Donston. Nothing more.

Lord Viscount Weymouth. Did Mr. *Chaworth* say any Thing that led you to imagine that Lord *Byron* would take Notice of it?

Mr. Donston. Nothing more than his asking me that Question.

Earl Poulet. Do you apprehend that at the Time those Words were spoke about Sir *Charles Sedley*'s Manors, they were said in a Manner reflecting upon Sir *Charles Sedley*, or Mr. *Chaworth*?

Mr. Donston. No, I do not; it seemed to me to be rather questioning the Bounds of their Manors, as I understood it.

Mr. Cornwall. My Lords, we desire Mr. *Molyneux* may be sworn.

Francis *Molyneux*, Esquire (*Who was sworn in like Manner*).

Mr. Cornwall. Mr. *Molyneux* will inform your Lordships if he dined at the *Star and Garter* on the Twenty-sixth of *January* last.

Lord Mansfield. I should think it unnecessary to ask this Question of every Witness.

Mr. Cornwall. Was you in Company with Lord *Byron* and Mr. *Chaworth* on the Twenty-sixth of *January* last?

Mr. Molyneux. I was.

Mr. Cornwall. Do you recollect any Discourse upon the Subject of Game?

Mr. Molyneux. I do.

Mr. Cornwall. Was Lord *Byron* and Mr. *Chaworth* engaged in that Discourse?

Mr. Molyneux. They were.

Mr. Cornwall. At what Time of the Day might that Discourse begin?

Mr. Molyneux. About Seven of the Clock, I think.

Mr. Cornwall. Was there any Difference of Opinion between Lord *Byron* and Mr. *Chaworth* upon that Subject?

Mr. Molyneux. There was.

Mr. Cornwall. Please to tell their Lordships how that was expressed?

Mr. Molyneux. Mr. *Chaworth* said he had always been strict in preserving his Game, and that that was the best Method of preserving them; Lord *Byron* said he had never been strict, and that he had more Game about *Newstead* than any body else.

Mr. Cornwall. Was any Bet proposed by any of the Company?

Mr. Molyneux. There was.

Mr. Cornwall. By whom?

Mr. Molyneux. By Lord *Byron*.

Mr. Cornwall. What were the Terms of the Bet?

Mr. Molyneux. He offered to lay One hundred Pounds that he had more Game about *Newstead* than Sir *Charles Sedley* or Mr. *Chaworth*.

Mr.

Mr. Cornwall. Did *Mr. Chaworth* take the Bet?

Mr. Molyneux. *Mr. Chaworth* said, if he would call for Pen, Ink, and Paper, he would lay him the Wager.

Mr. Cornwall. Was nothing more said upon that Subject?

Mr. Molyneux. *Lord Byron* said he should be glad to know where *Sir Charles Sedley's* Manor was.

Mr. Cornwall. What Answer was made to that Question?

Mr. Molyneux. *Mr. Chaworth* said *Nuttall*; but if your Lordship should have any Thing to say to *Sir Charles Sedley*, he lives at one *Mr. Cooper's* in *Dean-street*.

Mr. Cornwall. Was any Thing further said by any Person, or was that the Whole?

Mr. Molyneux. *Lord Byron* asked again where *Sir Charles Sedley's* Manor laid.

Mr. Cornwall. And what Answer was given to *Lord Byron*?

Mr. Molyneux. *Mr. Chaworth* said he had already informed *Lord Byron* where *Sir Charles Sedley* lived; and his Lordship knew where he lived, if he had any Thing to say to him.

Mr. Cornwall. Was there any more Conversation?

Mr. Molyneux. No more upon that Subject.

Mr. Cornwall. How long did *Lord Byron* continue in Company after this Conversation ceased?

Mr. Molyneux. I believe he continued in Company about an Hour.

Mr. Cornwall. Did he join in any Part of that Time in any future Conversation?

Mr. Molyneux. He conversed with me.

Mr. Cornwall. Was you near him?

Mr. Molyneux. I sat next to him.

Mr. Cornwall. On what Subject did *Lord Byron* converse with you?

Mr. Molyneux. About the *Duke of York's* House.

Mr. Cornwall. Upon any other Subject?

Mr. Molyneux. Upon no other.

Mr. Cornwall. Did he appear to be in good Humour?

Mr. Molyneux. I thought he did; I did not see any Thing to the contrary.

Mr. Cornwall. Do you recollect at what Time *Mr. Chaworth* quitted the Room?

Mr. Molyneux. I think it was about Eight of the Clock.

Mr. Cornwall. Did any Body go out with *Mr. Chaworth*, and who?

Mr. Molyneux. *Mr. Donston*, I think, went out with him. I do not know whether he went out with him, or followed him.

Mr. Cornwall. Do you recollect *Lord Byron's* quitting the Room?

Mr. Molyneux. I do.

Mr. Cornwall. At what Time?

Mr. Molyneux. About Seven or Eight Minutes after *Mr. Chaworth*.

Mr. Cornwall. Where did you next see *Mr. Chaworth*?

Mr. Molyneux. In a Room up One Pair of Stairs.

Mr. Cornwall. How soon after *Lord Byron* quitted the Room?

Mr. Molyneux. I cannot justly say; but I think it might be about Five or Six Minutes.

Mr. Cornwall. In what Condition did you find *Mr. Chaworth*?

Mr. Molyneux. He was sitting in a great Chair, and *Lord Byron* standing by him.

Mr. Cornwall. Did you hear *Mr. Chaworth* declare any Thing, and what?

Mr. Molyneux. *Mr. Chaworth* said he had very few Hours to live; that *Lord Byron* had shortened his Sword and stabbed him into the Belly; that he should be glad to say something to a particular Friend before he died; I left the Room soon afterwards.

Mr. Cornwall. Did you hear *Mr. Chaworth* declare any Thing, and what after that?

Mr. Molyneux. I heard him say again, that he had but a very few Hours to live.

Mr. Cornwall. Did you hear *Mr. Chaworth* declare any Thing else at that Time?

Mr. Molyneux. I did not.

Mr. Cornwall. My Lords, we have done with this Witness.

Lord High Steward. *Lord Byron*, will your Lordship ask any Questions of this Witness?

Lord Byron. Was not the Conversation between you and me very short?

Mr. Molyneux. It was not of long Duration.

Lord Byron. My Lords, I shall ask this Witness no more Questions.

Earl of Morton. I understood that *Lord Byron* said he had more Game upon his Manor than any Body, and that he would lay One hundred Pounds of that; was that what you said?

Mr. Molyneux. It was.

Mr. Attorney General. I understand Mr. *Hawkins* and Mr. *Adair*, the Two Surgeons that are attending here, in all Probability may be wanted, and therefore if your Lordships please, we will call them.

Lord High Steward. Yes, certainly, the Surgeons may be called, as they may be wanted elsewhere.

Lords. Ay, ay.

Caesar *Hawkins*, *Esquire* (*Who was sworn in like Manner*).

Mr. Attorney General. Mr. *Hawkins*, was you sent for to Mr. *Chaworth*, on the Twenty-sixth of January last?

Mr. Hawkins. I was.

Mr. Attorney General. Did you go to him?

Mr. Hawkins. I did, immediately upon receiving the Message.

Mr. Attorney General. What Time of the Night might that be?

Mr. Hawkins. A little after Eight, as near as I can recollect.

Mr. Attorney General. In what Condition did you find Mr. *Chaworth*?

Mr. Hawkins. I found him sitting by the Fire Side, in the Back Room, up One Pair of Stairs, with the lower Part of his Waistcoat open, his Shirt bloody, and his Hand holding his Belly.

Mr. Attorney General. Had you any Conversation with him there, how that Misfortune had befallen him?

Mr. Hawkins. He said to me, that he believed he had received a mortal Wound, that he felt within himself a peculiar Kind of Faintness and Sinking; and that he had a Sensation of Stretching and Swelling of his Belly, that made him believe he bled internally.

Mr. Attorney General. Did he say any Thing more how this unfortunate Affair happened?

Mr. Hawkins. After I had made my proper Enquiries and Examination, he pressed me earnestly to tell him what his real Situation was, and, as he expressed it, not to flatter him, but to inform him truly, if I thought him in any immediate Danger, for if he was, that he had private Affairs which he wished extremely to settle. I told him, I was afraid his Wound was dangerous; he then desired that Mr. *Levinz* might be immediately sent for to him, and desiring the other Gentlemen, who were in the Room, to step out for a few Minutes, he gave me some Directions relative to his private Affairs, which he desired I would mention to Mr. *Levinz*, in case he died before Mr. *Levinz* could be brought to him. This Conversation being ended, I think before the other Gentlemen returned into the Room, I asked him in what Position his Body was when he received the Wound? To which Question, as I apprehend to make his Answer more explicit, he gave me the following Detail, That Lord *Byron* and he came into that Room together, Lord *Byron* leading the Way, and walking on towards the further End of the Room, said something very rough to him, upon which he said, then my Lord it is right I should fasten the Door (I am not sure whether he said fasten the Door, or bolt the Door) that he turned to the Door and did fasten it; that as he turned round again towards Lord *Byron*, he saw his Lordship with his Sword either drawn, or nearly drawn, upon which he immediately drew his own, and at the same Time that he presented the Point of his Sword to his Lordship, that he made a Thrust at him, which he thought had hit him, and dangerously wounded or killed him; that immediately afterwards he perceived his Lordship shortening his Arm to make a Thrust at him, which he thought to have parried with his Left-hand, with which he endeavoured to catch the Point of the Sword; and he looked at his Hand once or twice, thinking that he had either scratched or wounded his Hand in the Attempt; that he perceived the Sword enter his Body, and imagined it had gone in deep, for that he had felt a Pain quite through to his Back; that immediately after he laid hold of the Gripe of Lord *Byron*'s Sword, and struggling with him for it, and being the stronger Man, he disarmed his Lordship, saying to him, he hoped he was not dangerously wounded; that Lord *Byron* replied something to the same Purpose to him; and, I think, added, that Lord *Byron* said, That he hoped now he would allow or acknowledge (it was either allow, or acknowledge, I am not sure which of the Two Words) that he (his Lordship) was as brave a Man as any other in the Kingdom; and some considerable Time passed afterwards at the Tavern, before Mr. *Chaworth* was carried to his own House, partly on Account of Mr. *Chaworth*'s being of Opinion that he still felt himself bleeding inwardly, and as he wished extremely to see Mr. *Levinz*, he desired to avoid moving, for fear the Bleeding should be increased by it, and so accelerate his Death; a Part

of

of the Time was likewise taken up in our endeavouring to get proper Conveniencies for his Removal; during this Time he recollects some other little Circumstances relative to his private Affairs, on which Account he desired the Gentlemen, who were then in the Room, to retire again; when he had mentioned what he had to say upon that Subject, he repeated to me again with great Earnestness, what I had heard him declare before, Two or Three Times in different Expressions, equally strong, that pained and distressed as he then was, and in immediate Danger of Death, he had rather be in his present Situation, than live under the Misfortune of having killed another Person. This strong Expression of Humanity led me to ask him, if there had been any serious Cause of Offence between them, meaning between Lord *Byron* and himself, that should have occasioned the Quarrel? He paused for a Moment or Two, as One recollecting himself, and then answered, No, nothing that might not have been explained and made up; I think his Expression was easily made up. After a little Time more he grew stronger, and he was removed to his own House, without any great Uneasiness or Difficulty. I had desired the Assistance of another Surgeon; and then Mr. *Adair*, and soon after Dr. *Addington*, his Physician, met me. We all joined in our best Endeavours to give him some Relief, but without any Hopes of doing him Good, and the next Morning, about Nine o'Clock, he expired. On the *Monday* Evening, by the Coroner's Directions, we examined the dead Body: The Sword had entered about an Inch on the Left Side of the Navel, and, passing obliquely upwards, had made its Exit about Five or Six Inches higher, on the left Side of the Back: In its Passage the Sword went through One of the small Intestines, and had made a very large Opening at the back Part of the Bottom of the Stomach; so that all the Contents of the Stomach, a Part from the Intestine, and a Quantity of Blood, were mixed together in the Cavity of the Belly. The Sword had likewise passed through the lower Part of the Diaphragm, and there was a small Quantity of Blood in the Cavity of the Left Breast. Upon the whole, there was not the least Doubt but that the Wound we examined was the immediate Cause of Mr. *Chaworth's* Death.

Mr. Attorney General. My Lords, we have done with this Witness.

Lord High Steward. My Lord *Byron*, would your Lordship chuse to ask this Witness any Questions?

Lord Byron. No, my Lords.

Mr. Sollicitor General. The next Witness, if your Lordships please, is Mr. *Adair*, the other Surgeon.

Robert *Adair*, Esquire (*Who was sworn in like Manner*).

Mr. Sollicitor General. Do you remember being sent for to Mr. *Chaworth* on the Twenty-sixth of January last?

Mr. Adair. I was.

Mr. Sollicitor General. At what Time were you sent for?

Mr. Adair. About Nine o'Clock.

Mr. Sollicitor General. In what Condition did you find Mr. *Chaworth*?

Mr. Adair. I found him with a Wound upon the Left Side of his Belly near the Navel, which passed upwards, and went through between Five and Six Inches higher than at its Entrance.

Mr. Sollicitor General. Did Mr. *Chaworth* say any Thing upon the Subject of the Wound?

Mr. Adair. Nothing to me.

Mr. Sollicitor General. Nor in your Hearing?

Mr. Adair. Nor in my Hearing.

Mr. Sollicitor General. Was you present when the Body was opened?

Mr. Adair. I was present.

Mr. Sollicitor General. Do you think this Wound occasioned his Death?

Mr. Adair. Most certainly.

Lord High Steward. My Lord *Byron*, does your Lordship chuse to ask this Witness any Questions?

Lord Byron. No, my Lords.

Mr. Serjeant Glynn. If your Lordships please, we will now call *John Sherwin*, Esquire.

John

John Sherwin, Esquire (Who was sworn in like Manner).

Mr. Serjeant Glynn. Were you at the *Star and Garter*, at the *Nottinghamshire Club*, on the Twenty-sixth of January last?

Mr. Sherwin. I was.

Mr. Serjeant Glynn. Do you remember whether Lord *Byron* and Mr. *Chaworth* were there?

Mr. Sherwin. They were.

Mr. Serjeant Glynn. Do you remember any Conversation about Game?

Mr. Sherwin. There had been some Conversation by the Company in general about Game.

Mr. Serjeant Glynn. Do you remember what Part Lord *Byron*, and what Part Mr. *Chaworth*, took in that Conversation?

Mr. Sherwin. Lord *Byron* spoke upon that Subject.

Mr. Serjeant Glynn. What did Lord *Byron* say?

Mr. Sherwin. He thought that being too severe hurt the Game, and that they were preserved more by the other Method.

Mr. Serjeant Glynn. Did Mr. *Chaworth* express himself of a different Opinion?

Mr. Sherwin. Mr. *Chaworth* did.

Mr. Serjeant Glynn. What did Mr. *Chaworth* say?

Mr. Sherwin. He said nothing could be so clear as that the Poachers were idle Fellows, and did a great deal of Mischief in the Country.

Mr. Serjeant Glynn. Did Mr. *Chaworth* say any Thing about Game in his own Manors?

Mr. Sherwin. After this Conversation, Lord *Byron* offered a Bet of One hundred Pounds, that he had more Game upon an Acre on his Manor than Mr. *Chaworth* had.

Mr. Serjeant Glynn. Did Mr. *Chaworth* accept the Bet?

Mr. Sherwin. Mr. *Chaworth* said he would.

Mr. Serjeant Glynn. What did he say upon that?

Mr. Sherwin. He offered to take the Bet, and I believe desired that Pen, Ink, and Paper might be sent for.

Mr. Serjeant Glynn. Was there any Bet laid?

Mr. Sherwin. I said it was a Bet that could never be determined.

Mr. Serjeant Glynn. Was any Thing said about Sir *Charles Sedley*'s Manor?

Mr. Sherwin. After this there arose a Dispute about their Manors.

Mr. Serjeant Glynn. Repeat what passed upon that Occasion?

Mr. Sherwin. Nuttall Manor was mentioned, and another or Two that I do not remember.

Mr. Serjeant Glynn. By whom was Nuttall mentioned?

Mr. Sherwin. I remember its being mentioned by Mr. *Chaworth*; he said, your Lordship has nothing to do there, it is Sir *Charles Sedley*'s Manor, it was bought out of my Family.

Mr. Serjeant Glynn. Was there any Thing more said upon this Subject?

Mr. Sherwin. There was more Conversation, which I do not remember.

Mr. Serjeant Glynn. How long did the Conversation continue upon this Subject?

Mr. Sherwin. It might continue a Quarter of an Hour, or Twenty Minutes.

Mr. Serjeant Glynn. Did the Company then enter upon any other Subject of Conversation?

Mr. Sherwin. During the Dispute between Lord *Byron* and Mr. *Chaworth*, I remember Mr. *Chaworth*'s saying, as to Sir *Charles Sedley*, my Lord, he will give you an Answer; as to myself, your Lordship knows where I live.

Mr. Serjeant Glynn. Did Lord *Byron* take any Part in the future Conversation of the Company?

Mr. Sherwin. Not that I remember; in general, I believe, he talked with Mr. *Molyneux*, who sat next him.

Mr. Serjeant Glynn. Did he appear to be in good Humour or not?

Mr. Sherwin. I did not observe that at all, either One Way or the other; there was no further Conversation between Lord *Byron* and Mr. *Chaworth*.

Mr. Serjeant Glynn. When did Mr. *Chaworth* leave the Room?

Mr. Sherwin. It might be Twenty Minutes after Mr. *Chaworth* had said, You know where I live, my Lord.

Mr. Serjeant Glynn. Did Mr. Chaworth go out alone, or did any Person go with him?

Mr. Sherwin. He asked Mr. Donston, who sat next him, to go out with him; he wanted to speak to him.

Mr. Serjeant Glynn. Did Mr. Donston return again to the Company, and how soon?

Mr. Sherwin. He came into the Room again very soon, almost in Two Minutes.

Mr. Serjeant Glynn. Did you observe when Lord Byron left the Room?

Mr. Sherwin. I remember his getting up out of his Chair.

Mr. Serjeant Glynn. Before or after the Return of Mr. Donston?

Mr. Sherwin. I think it was before.

Mr. Serjeant Glynn. Where did you see Mr. Chaworth again that Evening?

Mr. Sherwin. Soon after Mr. Donston came into the Room again, a Drawer, or somebody, came in, and said there had been a Quarrel; the Company above Stairs went down Stairs into that Room where Mr. Chaworth was; I went with them.

Mr. Serjeant Glynn. In what Condition did you find Mr. Chaworth?

Mr. Sherwin. He was sitting in a Chair, holding his Belly with his Right Hand, his Waistcoat was open, and his Shirt bloody.

Mr. Serjeant Glynn. Had you any Conversation with Mr. Chaworth?

Mr. Sherwin. I do not remember, I had.

Mr. Serjeant Glynn. Did you hear any Conversation between Mr. Chaworth, and any other of the Company?

Mr. Sherwin. Somebody asked him how he did; he said he had not Five Minutes, or Five Hours, to live, I forget which; Mr. Hawkins came in, who had been sent for, and in a little Time the Company left Mr. Hawkins and Mr. Chaworth together, and went up Stairs, where they had dined.

Mr. Serjeant Glynn. Did you hear any Declarations from Mr. Chaworth, respecting the Accident that had happened to him?

Mr. Sherwin. I did not.

Lord High Steward. Would Lord Byron ask the Witness any Questions?

Lord Byron. How was Mr. Chaworth employed during the Twenty Minutes that he was in the Room, after the Conversation that passed?

Mr. Sherwin. I do not remember in particular, but I imagine he was talking to the Gentlemen on his Right-hand, or on his Left.

Lord Byron. Was he not employed in settling the Reckoning?

Mr. Sherwin. I believe he was.

Lord Byron. Did you observe any Thing particular in his Manner at the Time?

Mr. Sherwin. I cannot say I did.

Lord High Steward. The Witness may withdraw.

Mr. Stowe. If your Lordships please, the next Witness we will call is Thomas Willoughby, Esquire.

The Honourable Thomas Willoughby (Who was sworn in like Manner).

Mr. Stowe. Was you at the Star and Garter on the Twenty-sixth of January last?

Mr. Willoughby. I was.

Mr. Stowe. Was you there between Four o'Clock and Seven in the Afternoon?

Mr. Willoughby. I dined there a little after Four, and was there at Seven in the Afternoon.

Mr. Stowe. Do you remember any Dispute between Lord Byron and Mr. Chaworth, concerning the Preservation of Game?

Mr. Willoughby. They were of different Opinions about their preserving of Game.

Mr. Stowe. What passed between Lord Byron and Mr. Chaworth upon that Subject?

Mr. Willoughby. Mr. Chaworth's Argument was, that there was no such Thing as having Game, unless Gentlemen were severe with the Poachers.

Mr. Stowe. Did Lord Byron differ with Mr. Chaworth upon that Head?

Mr. Willoughby. He did.

Mr. Stowe. Did any Words of Anger pass between them?

Mr. Willoughby. I did not perceive any.

Mr. Stowe. Do you remember any Inquiry made concerning the Manors of Sir Charles Sedley?

Mr. Willoughby. Nuttall, a Manor of Sir Charles Sedley's, was mentioned.

Mr. Stowe. By whom?

Mr. Willoughby. I do not know whether it was mentioned by Lord *Byron* first, or Mr. *Chaworth*, but Mr. *Chaworth* said *Nuttall* belonged to Sir *Charles Sedley*; he knew it, for it was bought of his Family.

Mr. Stowe. Did any Thing more pass, and what, about that?

Mr. Willoughby. No, not that I recollect.

Mr. Stowe. Do you remember any Bet on either Side?

Mr. Willoughby. Lord *Byron* offered to bet Mr. *Chaworth* One hundred Pounds that he had more Game upon his Manor, or Manors, than Mr. *Chaworth* had.

Mr. Stowe. What followed upon that Offer?

Mr. Willoughby. Mr. *Sherwin* said it would be very difficult to decide that Bet.

Mr. Stowe. Do you know if any Bet was made?

Mr. Willoughby. I do not.

Mr. Stowe. Were there any Words passed afterwards between Lord *Byron* and Mr. *Chaworth*, respecting Sir *Charles Sedley*, his Manor, or his Estate?

Mr. Willoughby. Not that I heard.

Mr. Stowe. Do you remember Mr. *Chaworth* afterwards going out of the Room?

Mr. Willoughby. I do.

Mr. Stowe. At what Distance of Time might that be from the finishing the Conversation?

Mr. Willoughby. Perhaps Three Quarters of an Hour, or thereabouts, I cannot say exactly.

Mr. Stowe. Did Lord *Byron* during that Three Quarters of an Hour, discourse with Mr. *Chaworth*, or any other Gentleman of the Company?

Mr. Willoughby. I did not hear him.

Mr. Stowe. Do you recollect when Mr. *Chaworth* went out of the Room if any body went with him or followed him?

Mr. Willoughby. Mr. *Donston* went out at the same Time.

Mr. Stowe. Did Mr. *Chaworth*, when he went out of the Room, take his Hat with him or not?

Mr. Willoughby. I did not take Notice of that.

Mr. Stowe. How long was Mr. *Chaworth* out of the Room, and did he return again?

Mr. Willoughby. He never returned again.

Mr. Stowe. Did Mr. *Donston* return again?

Mr. Willoughby. He did.

Mr. Stowe. In what Space of Time?

Mr. Willoughby. In a very short Time.

Mr. Stowe. Can you form any Judgment of the Time?

Mr. Willoughby. I cannot speak exactly, perhaps Five Minutes.

Mr. Stowe. Where was Lord *Byron* when Mr. *Donston* came into the Room?

Mr. Willoughby. He was got up and gone towards the Door, or out of the Door, I do not know which.

Mr. Stowe. Did Lord *Byron* take his Hat?

Mr. Willoughby. I do not know.

Mr. Stowe. How long might Lord *Byron* be gone out of the Room before you heard any Thing more relative to Lord *Byron* or Mr. *Chaworth*?

Mr. Willoughby. A very few Minutes.

Mr. Stowe. Who mentioned any Thing to you concerning Lord *Byron* or Mr. *Chaworth*?

Mr. Willoughby. The Waiter came up and told us what had happened.

Mr. Stowe. Did you go to the Place and see Lord *Byron* and Mr. *Chaworth*, or either of them there?

Mr. Willoughby. I did.

Mr. Stowe. Did you see Mr. *Chaworth*?

Mr. Willoughby. I did.

Mr. Stowe. In what Condition and Situation was Mr. *Chaworth*?

Mr. Willoughby. He was sitting in a Chair, with his Hand on his Belly, and his Shirt was bloody.

Mr. Stowe. Did Mr. *Chaworth* say any Thing how he came by that Wound?

Mr. Willoughby. He did not; only he said he was a dying Man, and that Lord *Byron* had run him through.

Mr. Stowe. Did he say any Thing more that you recollect?

Mr. Willoughby. He said several Times over that he was a dying Man, and had but a few Minutes to live.

Mr.

Mr. Stowe. My Lords, we have done with this Witness.

Lord High Steward. Lord *Byron*, would you ask this Witness any Questions?

Lord Byron. Was not you conversing with Mr. *Hewett*, during the latter Part of the Conversation between Mr. *Chaworth* and me, so as you might not hear it?

Mr. Willoughby. The last Word I heard, was that *Nuttall* belonged to Sir *Charles Sedley*, that it was bought of his Family, and he knew it.

Lord Byron. Was not you conversing with Mr. *Hewett* so as to prevent you from hearing any more?

Mr. Willoughby. That was the last I heard.

Lord High Steward. Has Lord *Byron* any Thing more to ask this Witness?

Lord Byron. No, my Lord.

Lord High Steward. The Witness may withdraw.

Mr. Cornwall. If your Lordships please, the next Witness we shall call is *John Edwards*.

John Edwards (*Who was sworn in like Manner*).

Mr. Cornwall. Was not you a Waiter at the *Star and Garter*, on the Twenty-sixth of January last?

John Edwards. I was.

Mr. Cornwall. Did you attend the Gentlemen of the *Nottinghamshire Club* who met there that Day between Eight and Nine in the Evening?

John Edwards. I did.

Mr. Cornwall. What was the Purpose of your Attendance between Eight and Nine?

John Edwards. To answer the Bell, and to carry any Thing into the Room.

Mr. Cornwall. What Commands had the Company laid upon you at that Time?

John Edwards. To bring up a Bottle of Claret.

Mr. Cornwall. Did you go down?

John Edwards. I did, to the Bar, but not into the Cellar.

Mr. Cornwall. What did you do then?

John Edwards. I called to my Master to get some Wine, who, when I called him first, I thought he was in the Kitchen, and I called him twice or thrice, and then I found him in the Larder. I told him the Gentlemen wanted a single Bottle of Claret at the *Nottinghamshire Club*.

Mr. Cornwall. Whilst you were standing at the Bar waiting for the Bottle of Claret, did you hear the Bell ring?

John Edwards. I did not.

Mr. Cornwall. Did you hear any Body call?

John Edwards. I heard somebody call Waiter up Stairs.

Mr. Cornwall. Did you know the Voice?

John Edwards. I did not.

Mr. Cornwall. Did you obey?

John Edwards. I did not the First Time, I thought to have taken the Wine up Stairs with me.

Mr. Cornwall. Was it repeated?

John Edwards. It was once or twice.

Mr. Cornwall. Did you go up?

John Edwards. I did.

Mr. Cornwall. Who did you meet?

John Edwards. When I came up the first Pair of Stairs, I saw Lord *Byron* and Mr. *Chaworth* coming down, or rather waiting upon the Stairs for somebody to come up. Lord *Byron* asked me if either of these Rooms were empty (there being Two Rooms in his View) I answered in the Affirmative, and said, This; being the Door which was on the Right-hand.

Mr. Cornwall. What then did you do?

John Edwards. I had a Candle in my Right Hand; I opened a green Bays Door, with a Brass Lock, with my Left Hand, and shewed Lord *Byron* and Mr. *Chaworth* into the Room; I set the Candle upon the Table in the Room; I quitted the Room, and pulled the inner Door after me; the outer Door shuts with a Pully. I went down Stairs immediately for the Bottle of Wine, which I had desired my Master to get; I met him by the Bar or the Cellar Door (which are together) with the Wine in his Hand. I took it from him and went up Stairs to the *Nottinghamshire Club* up Two Pair of Stairs. I drew the Cork, and heard the

Bell

Bell ring in the Room into which I had shewed Lord *Byron* and Mr. *Chaworth*, twice, whilst I was decanting the Wine. When I had decanted the Wine, I came down Stairs, and found I was too late to answer the Bell, as is common for a Waiter that shews the Room. I heard somebody had been in. When I came to the Ground Floor, the first Person I spoke to (to the best of my Knowledge) was my Master. He clapp'd his Hands together, and said Mr. *Chaworth* is wounded, or Lord *Byron* has wounded Mr. *Chaworth*; the Expression I cannot exactly tell.

Mr. Cornwall. Did you go into the Room?

John Edwards. Not till after I had been in the *Nottinghamshire Club* Room, and had informed the Gentlemen that Mr. *Chaworth* was wounded.

Mr. Cornwall. Did you stay long?

John Edwards. I did not stay long.

Mr. Cornwall. Did you hear Mr. *Chaworth* say any Thing?

John Edwards. He seemed extremely desirous of seeing Two or Three Friends, particularly Mr. *Levinz*.

Mr. Cornwall. What was the Size of the Room you shewed Lord *Byron* and Mr. *Chaworth* into?

John Edwards. In some Parts of the Room, I have measured it, it is Sixteen Feet long and Sixteen Feet broad in some Parts; the Chimney is taken out of the Corner of the Room.

Mr. Cornwall. What kind of a Candle did you leave in the Room?

John Edwards. A common Tallow Candle about Eight in the Pound.

Mr. Cornwall. Was there any other Candle in the Room?

John Edwards. There was no other Candle in the Room, nor no other Light to my Knowledge.

Mr. Cornwall. Was there a Fire in the Room?

John Edwards. There was a Fire in the Room, but it was rather down.

Mr. Cornwall. We have done with this Witness.

Lord High Steward. Lord *Byron*, would your Lordship ask this Witness any Questions?

Lord Byron. Was there any Table in the Room?

John Edwards. There was a Table in the Room.

Lord Byron. Did you set the Candle upon it?

John Edwards. I did.

Lord Byron. How large a Space might the Chairs and Furniture of the Room take up from the Length of it?

John Edwards. I cannot tell indeed.

Lord Byron. In what Part of the Room did you leave Mr. *Chaworth* and me standing?

John Edwards. Both walked towards the Fire Place.

Lord Mansfield. I would ask this Witness whether he is sure that he shut the inner Door, on Mr. *Chaworth* and Lord *Byron*'s going into the Room?

John Edwards. I pulled it after me, but cannot tell certainly whether it shut or not.

Lord Mansfield. Was there any Bolt to the inner Door?

John Edwards. There is, it is a Brass Lock, and there is a little Bolt at the Bottom.

Mr. Attorney General. If your Lordships please, we will call Mr. *Fynmore*.

Mr. James Fynmore (Who was sworn in like Manner).

Mr. Attorney General. My Lords, this is the Master of the Tavern.

Do you remember going up Stairs on the Twenty-sixth of January last, into the Room where Lord *Byron* and Mr. *Chaworth* were?

Mr. Fynmore. I do.

Mr. Attorney General. What induced you to go thither?

Mr. Fynmore. A Waiter came to me, and told me that Two Gentlemen were come out of the *Nottinghamshire Club*, into the Room Number Seven, and desired to speak to me.

Mr. Attorney General. What is the Waiter's Name?

Mr. Fynmore. John *Gothorp*.

Mr. Attorney General. In what Situation did you find Lord *Byron* and Mr. *Chaworth*?

Mr. Fynmore. I found them standing close together, Mr. *Chaworth* had his Sword in his Left-hand, and Lord *Byron* had his in his Right-hand. Mr. *Chaworth* said, Here, *James*, take my Sword, for I am disarmed, or I have disarmed him, I do not know which. I turned to Lord *Byron*, and said, Pray, my Lord, give me your Sword; on which, Lord *Byron* gave me his Sword, and I took it and went down Stairs with it. As I was going out of the Room either One or both called after me, and desired me to get Help immediately; I went down the Stairs

Stairs with the two Swords, and laid them upon the Table, in a Room at the Bottom of the Stairs, and then called Mr. Hawkins.

Mr. Attorney General. Did you hear Mr. Chaworth say any Thing how this Accident had befallen him?

Mr. Fynmore. No.

Mr. Attorney General. My Lords, we have done with this Witness.

Lord High Steward. Lord Byron, will you ask this Witness any Questions.

Lord Byron. Did not you carry up the Club-Book into the Room where we dined?

Mr. Fynmore. I went up at Seven o'Clock, as is the Custom, with the Book and a Bill.

Lord Byron. Did you wait the settling of the Bill?

Mr. Fynmore. I did.

Lord Byron. Did not Mr. Chaworth settle it?

Mr. Fynmore. Mr. Chaworth settled the Book that Day.

Lord Byron. What Time might it take up in settling it?

Mr. Fynmore. It was done in Five or Six Minutes.

Lord Byron. Did you make any Observation upon Mr. Chaworth's Manner of settling it, or observe any Thing particular?

Mr. Fynmore. No, I think not any Thing particular.

Lord Byron. Did you observe him to be ruffled or confused?

Mr. Fynmore. In One Particular only; the Book is marked with Lines ruled in Checks, each Gentleman's Name is upon a Line, and against each Name, if the Gentleman be present, there is put a o; if absent 5 s. The only Remark I made of any Flurry in Mr. Chaworth, was, he put 5 s. against Lord Byron's Name instead of a o; upon which I said, Sir, my Lord is present; upon which he altered it, and made a o.

Lord Byron. What was the Size of the Room where we were?

Mr. Fynmore. It was sixteen Feet in the clear both Ways, except that the Chimney was taken out of one of the Corners.

Lord Byron. What Space might the Chairs take up from the Dimensions?

Mr. Fynmore. The Chairs are pretty large, they might take two Feet each Chair into the Room.

Lord Byron. Is there any inner Fastening, and what, to the Door?

Mr. Fynmore. The Door has a Brass Lock, and there is a little Catch underneath, as there usually are to these Doors.

Lord Byron. Is it not a Bolt?

Mr. Fynmore. It is a little Sliding Bolt.

Lord Byron. When you went into the Room, in what Part did you find me and Mr. Chaworth standing?

Mr. Fynmore. I saw Lord Byron and Mr. Chaworth standing Shoulder to Shoulder, close by the Fire.

A Lord. Was the Door bolted when you first came to the Room?

Mr. Fynmore. No, it was not.

Lord Viscount Folkestone. Did Lord Byron deliver up his Sword readily?

Mr. Fynmore. When Mr. Chaworth gave me his Sword, I turned to Lord Byron for his.

Lord Viscount Folkestone. Did he give you his Sword directly?

Mr. Fynmore. I took hold of it, and his Lordship made no Objection.

Lord Viscount Folkestone. The Reason I mentioned this is, because the Council, in opening, said, that Lord Byron delivered up his Sword with Reluctance. Was not Lord Byron at this Time employed in supporting Mr. Chaworth?

Mr. Fynmore. Lord Byron's Left Hand was round Mr. Chaworth, as Mr. Chaworth's Right Hand was round Lord Byron's Neck and over his Shoulder.

Lord Viscount Folkestone. Did not Lord Byron desire you to call Assistance?

Mr. Fynmore. I had the Swords in my Hand, and my Back was towards them, when one of them said (I do not know which) Get some Help immediately.

Mr. Sollicitor General. If your Lordships please, we will call John Gotbrop, another of the Waiters.

John Gotbrop, (Who was sworn in like Manner).

Mr. Sollicitor General. You are a Waiter at the Star and Garter?

John Gotbrop. Yes, my Lords.

Mr. Sollicitor General. Was you on the Twenty-sixth of January last?

John Gotbrop. I was.

Mr. Sollicitor General. Do you remember the Bell ringing in Number Seven?

John Gotbrop. I do.

Mr. Sollicitor General. About what Time?

John Gotbrop. About a Quarter past Eight.

Mr. Sollicitor General. Did you go up into the Room?

John Gotbrop. I did.

Mr. Sollicitor General. Was the Door fastened?

John Gotbrop. It was not.

Mr. Sollicitor General. Where did you see Lord *Byron* and Mr. *Chaworth*?

John Gotbrop. Standing with their Backs to the Fire.

Mr. Sollicitor General. How near the Door?

John Gotbrop. About Ten Feet, as near as I can recollect.

Mr. Sollicitor General. In what Situation did you see Lord *Byron* and Mr. *Chaworth*?

John Gotbrop. They were both standing together; Lord *Byron* had his Left Arm round Mr. *Chaworth*'s Waist, with his Sword in his Right-hand, with the Point to the Ground; Mr. *Chaworth* was standing, with his Right Arm resting upon Lord *Byron*'s Shoulder, with his Sword in his Left-hand extended up.

Mr. Sollicitor General. Did they say any Thing?

John Gotbrop. Lord *Byron* bid me take this Sword (meaning which I cannot say) and call up *Fynmore* immediately.

Mr. Sollicitor General. What did you do?

John Gotbrop. I immediately left the Room, without taking any Sword, to call my Master up.

Lord High Steward. Lord *Byron*, will your Lordship ask this Witness any Questions?

Lord Byron. No, my Lords.

Lord Mansfield. Was the Door open when you came to it, or was it fastened with a Bolt?

John Gotbrop. It was fastened, but not with the Bolt.

Mr. Serjeant Glynn. If your Lordships please, the next Witness we will call is Mr. *William Man*.

Mr. William Man, (Who was sworn in like Manner.)

Mr. Serjeant Glynn. Did you attend Mr. *Chaworth*, as an Apothecary, on the Twenty-sixth of January last?

Mr. Man. I did.

Mr. Serjeant Glynn. Who did you find in the Room with Mr. *Chaworth*?

Mr. Man. His Servant.

Mr. Serjeant Glynn. Was there any other Person besides his Servant?

Mr. Man. Not in the Room where he was.

Mr. Serjeant Glynn. Did any other Person come in during the Time you were there?

Mr. Man. Mr. *Hawkins* and Mr. *Levinz* did.

Mr. Serjeant Glynn. Was there any Conversation between Mr. *Chaworth* and Mr. *Levinz* concerning the Accident that had happened?

Mr. Man. There was.

Mr. Serjeant Glynn. Relate that Conversation.

Mr. Man. Mr. *Chaworth* said some few Words arose at Dinner concerning who had the most Game upon their Estates: About two Hours after Mr. *Chaworth* had Occasion to go down Stairs: Upon his returning back, he was met by Lord *Byron*, who said, *Chaworth*, I want to speak to you; a Waiter passing by at the same Time, Lord *Byron* said, Waiter, shew us a Room. They went into the Room, and first Mr. *Chaworth* said, My Lord, we will shut the Door, or else some Person will hear what we say. Mr. *Chaworth*, when he turned round from shutting the Door, saw Lord *Byron* with his Sword half drawn, who said, *Chaworth*, Draw! Mr. *Chaworth* drew immediately, and made the first Pass, and intangled his Sword in my Lord's Waistcoat; he then endeavoured to disarm Lord *Byron*, and my Lord gave him a Push or Blow, and then run him through.

Mr. Serjeant Glynn. Was this the Whole of what Mr. *Chaworth* declared at that Time?

Mr. Man. No.

Mr. Serjeant Glynn. Relate the Whole?

Mr. Man. Mr. *Chaworth* said, when he was first desired to walk into the Room by Lord *Byron*, he did not in the least imagine that he was going to be offered a Challenge.

Mr. Serjeant Glynn. Was that the Whole?

Mr. Man. No.

Mr. Serjeant Glynn. Go on?

Mr. Man. Some Time after Mr. Chaworth said, This will not in the least be to my Lord Byron's Credit.

Mr. Serjeant Glynn. Is that the Whole of what was said?

Mr. Man. Yes, my Lords.

Mr. Serjeant Glynn. My Lords, we will ask no more of this Witness.

Lord High Steward. My Lord Byron, would your Lordship ask this Question?

Lord Byron. Was any body present besides Mr. Levinz?

Mr. Man. Mr. Chaworth's Servant.

Lord Byron. What is his Name?

Mr. Man. Michael Cullum.

Lord Byron. At what Time was this Declaration made?

Mr. Man. I cannot positively say, but I think it was between the Hours of Two and Four.

Lord Byron. Was it before he signed his Will?

Mr. Man. I think it was, but I am not certain.

Mr. Cornwall. If your Lordships please, we will call Michael Cullum.

Michael Cullum was called, but did not appear.

Mr. Attorney General. My Lords, I find that this Witness is not here. If your Lordships please, we will call Mr. Levinz.

Lord High Steward. How many more Witnesses do you intend to call?

Mr. Attorney General. We will only call Mr. Levinz and one more.

Lord Mansfield. From the Opening of the Prosecutor's Case, it seems to me, they are very near the End of their Evidence, and there is nothing else left but the Paper; it is now past Five o'Clock, and, I should think, it would be more for the Ease of the Prisoner and your Lordships, to adjourn to the Chamber of Parliament.

Then the Lord High Steward returned back to the Chair.

Lord President of the Council. My Lords, I move your Lordships to adjourn to the Chamber of Parliament.

Lords. Ay, Ay.

Lord High Steward. This House is adjourned to the Chamber of Parliament.

The Lords and others returned to the Chamber of Parliament in the same Order they came down, except the Lord High Steward, who walked after his Royal Highness the Duke of York; and, The House being there resumed, Resolved to proceed further in the Trial of William Lord Byron, in Westminster-Hall, Tomorrow at Ten of the Clock in the Morning; and ordered, that the said William Lord Byron should be remanded Prisoner to his Majesty's Tower of London, there to be kept in safe Custody; and that he be brought again to the Bar of this House in Westminster-Hall, To-morrow, at Ten of the Clock in the Morning.

Wednesday

Wednesday April 17, 1765. The Second Day.

THE Lords and others came from the Chamber of Parliament in the same Order as on Tuesday last, except the Lord High Steward, who walked after His Royal Highness the Duke of York; and the Peers were there seated, and the Lord High Steward in his Chair.

Lord High Steward. My Lords, the House is resumed. Is it your Lordships Pleasure that the Judges may be covered?

Lords. Ay, Ay.

Then the Serjeant at Arms made Proclamation for Silence as usual; and afterwards the following Proclamation.

Serjeant at Arms. Oyez, Oyez, Oyez! Lieutenant of the Tower, bring forth your Prisoner, *William Lord Byron*, to the Bar, pursuant to the Order of the House of Lords.

The Deputy Governor of the Tower brought the Prisoner to the Bar, in the like Form as before; and then he kneeled down.

Lord High Steward. Your Lordship may rise.

The Lord High Steward, by Leave of the Lords, went down to the Table for the Convenience of hearing.

Lord High Steward. Mr. Attorney General, you will proceed in your Evidence.

Mr. Attorney General. My Lords, the first Witness we call is Mr. *Levinz*.

William Levinz, Esquire, (Who was sworn in like Manner).

Mr. Attorney General. MR. *Levinz* is Uncle to the deceased Mr. *Chaworth*. Did you see Mr. *Chaworth* on the Twenty-sixth of January last?

Mr. Levinz. I did, about Ten at Night, or thereabouts.

Mr. Attorney General. Where did you first see him?

Mr. Levinz. I first saw him at his own House.

Mr. Attorney General. That was after the Misfortune?

Mr. Levinz. It was after the Misfortune.

Mr. Attorney General. Did he give you any Account how that Misfortune had happened?

Mr. Levinz. He did.

Mr. Attorney General. What was that Account?

Mr. Levinz. As soon as I got into the House I went into his Bedchamber; he took me by the Hand, and told me Lord *Byron* had given him a mortal Wound, desired I would send for a Lawyer as soon as possible to make a new Will, saying he believed he should be dead before Morning; upon which I came out into the outward Room; there were Mr. Serjeant *Hawkins*, Mr. *Adair*, Mr. *Willoughby*, and Mr. *Hewett*: I told them that Mr. *Chaworth* had desired me to send for a Lawyer, but I was so totally deprived of Recollection, I could not remember where any one lived; upon which Mr. *Hawkins* told me, there was one Mr. *Partington* who lived in that Neighbourhood, that was a Man of Character, and that, if I pleased, he would send for him; Mr. *Partington* came, I believe, in a Quarter of an Hour; as soon as he came I introduced him to Mr. *Chaworth*, and I left him in the Room to take his Instructions: When the Gentlemen were gone down Stairs, and Mr. *Partington* had begun making the Will in the next Room, I went to Mr. *Chaworth*, and asked him how this unfortunate Affair had happened? He told me, that Lord *Byron* took him into a Room; upon which Mr. *Chaworth* said, If we are to talk I had better shut the Door, or else they may overhear what we say: Upon his shutting the Door, the first Thing he saw when he turned his Head about, was Lord *Byron*'s Sword halfdrawn; upon which he drew his as quick as possible, and got the first Puff at him, and finding his Sword engaged in something, he thought it was my Lord's Body, and therefore wished to disarm him, and in endeavouring to close in for that Purpose, my Lord shortened his Sword, or Arm, I am not positive which, and gave him that mortal Wound; from that Time till the Time the Will was executed, which was about Three in the Morning, Mr. *Chaworth*'s Head was so full of his private Affairs, that I cannot say I heard him mention the unfortunate Affair till after the Will was executed, when I asked him, Has this been fair? But he made no Answer that I could hear, but said he saw my Lord's Sword half out, and, knowing his Man, he drew his Sword as quick as he could; that he had the first Puff at him, and then my Lord wounded him; and after that, he disarmed his Lordship, when my Lord swore he was as brave a Man as any in *England*. He said twice to me, Good God! that I should be such a Fool as to fight in the Dark; for indeed there was very little Light. He said he did not believe Lord *Byron* intended fighting when they went into the Room; but seeing him up by the Door, he believed he thought he had him

him at an Advantage; and the first Thing he saw, upon turning his Head, was his Lordship's Sword half drawn; he said he died as a Man of Honor, but he thought Lord *Byron* had done himself no Good by it; I asked him several Times in the Night, how this Affair begun above Stairs? he always answered, it is a long Story, and it is troublesome to me to talk. They will tell you; Mr. *Donston* will tell you. That is all I know of this unfortunate Affair.

Mr. Attorney General. I shall ask Mr. *Levinz* no more Questions.

Lord High Steward. Lord *Byron*, will your Lordship ask this Witness any Questions?

Lord Byron. My Lords, I shall ask no Questions of this Witness.

A Lord. Did you understand that Mr. *Chaworth* went to shut the Door, that they might not be overheard, or to bolt the Door?

Mr. Levinz. He expressly said, that he went to shut the Door that they might not overhear what they said.

A Lord. Was it before or after the making the Will that Mr. *Chaworth* gave that Account to you?

Mr. Levinz. The first Account was about Eleven at Night, I believe, when the Will was first begun: The last Time he spoke to me about this unfortunate Affair was, I believe, within the Hour after the Will was executed.

Earl of Morton. Before the Will was made, when he gave the Account to the Gentlemen in the Room, did he seem to have most Attention to the making of his Will?

Mr. Levinz. To the making of the Will, he seemed to have it prodigiously at Heart.

Earl of Morton. Did he seem to you in bodily Pain?

Mr. Levinz. He was more or less so the whole Night; for about an Hour after the Will was executed, he was amazingly composed; about Four he fell into vast Tortures; I sent for Mr. *Adair*, who came to him, and by applying warm Fomentations relieved him very much; but from that Time I cannot say he talked about the unfortunate Affair; he sent for me up to desire that something might be done as soon as ever he was dead.

Earl of Morton. The last Time he spoke to you was he seemingly in Pain?

Mr. Levinz. My Lords, he never was free from Pain.

Earl of Denbigh. Did Mr. *Chaworth* tell you what past upon the Stairs, previous to his going into the Room?

Mr. Levinz. He never said any Thing to me about what passed upon the Stairs; I wished to know it, but never could learn it.

Lord High Steward. The Witness may withdraw.

Mr. Solicitor General. The next Witness, my Lords, is Mr. *Partington*.

Thomas Walley *Partington*, Esquire, (Who was sworn in like Manner.)

Mr. Solicitor General. Did you attend Mr. *Chaworth* on the Twenty-sixth of January last?

Mr. Partington. I did.

Mr. Solicitor General. At what Time did you attend him?

Mr. Partington. A little after Ten o'Clock.

Mr. Solicitor General. Who did you find with Mr. *Chaworth*?

Mr. Partington. When I first came into the House, I was taken into a Parlour, where there were Mr. *Levinz*, Mr. *Hawkins*, Mr. *Adair*, Mr. *Hewett*, and Mr. *Willoughby*. I staid there a very few Minutes. I first asked what I was sent for? I was told to make Mr. *Chaworth*'s Will; and by the Conversation that passed between the Gentlemen there, I understood that Lord *Byron* and Mr. *Chaworth* had fought in a Room by themselves, and according to an Expression of one of the Gentlemen, by a Farthing Candle. After the Will was executed, Mr. *Chaworth* began to talk of his Situation as of a dying Man; he expressed a Satisfaction that he was in that Situation rather than to have lived and to have had the Life of any Man to answer for: After such Conversation, Mr. *Levinz*, in seeming great Distress said to him, Dear *Billy*, for God's Sake, how was this? was it fair? Mr. *Chaworth*'s Head was turned towards the Gentlemen on his Left Hand, Mr. *Levinz* stood on his Right. Upon that Question being asked, he turned his Head to Mr. *Levinz*, sinking upon the Pillow; he said something which I could not distinguish, for I stood at the Bottom of the Bed, and immediately went round to where Mr. *Levinz* stood, and as I opened the Curtain, I heard him say something of Lord *Byron*'s Sword being drawn; upon which, and from what I understood had passed, I was led to ask him this Question, Mr. *Chaworth*, was my Lord *Byron*'s Sword drawn when you came into the Room? he then answered what I afterwards wrote down.

Mr. Solicitor General. How soon after did you write it down?

Mr. Partington. Upon coming down into the Parlour, after I had sealed up and delivered the Will to Mr. Levinz, as I had advised some Question might be asked when the Will was executed, so I thought it prudent whilst we were together, that we should set down the Answer that Mr. Chaworth gave: The Gentlemen assented; I took a Pen and Ink and wrote, "When " he came into the Room, Mr. Chaworth said," and went on a little further: When I read what I had wrote, and I think Mr. Hewett in particular excepted to those Words "when he came into the Room," I tore the Paper, and threw it into the Fire, and wrote the Words which I now have in my Hands.

Mr. Sollicitor General. How long after the finishing the Will were the Declarations contained in this Paper made?

Mr. Partington. It must be but a very few Minutes.

Mr. Sollicitor General. We desire the Paper may be read. The Witness produced the Paper, and read it as follows:

"Sunday Morning, the Twenty-seventh of January, about Three of the Clock, Mr. Chaworth said, that my Lord's Sword was half-drawn, and that he, knowing the Man, immediately, or as quick as he could, whipt out his Sword, and had the first Thrust; that then my Lord wounded him, and he disarmed my Lord, who then said, By God, I have as much Courage as any Man in England."

Lord High Steward. Lord Byron, will your Lordship ask this Witness any Questions?

Lord Byron. Did not you understand this Declaration of the Facts to be an Answer to the Question, whether it was fair or not?

Mr. Partington. I understood the Declaration to be an Answer to Mr. Levinz and myself, and to the Inquiry in general, which was making by the Gentlemen.

Lord Byron. Did not you understand from those Declarations that what had passed was fair?

Lord Mansfield. They will not ask the Witness as to his Understanding, but to the Facts only. Your Lordships will draw the Conclusion.

Lord High Steward. You had this Paper to refresh your own Memory?

Mr. Partington. I had, my Lords.

Lord Ravensworth. I desire to know whether this Paper in Mr. Partington's Hand was not read and allowed to be what Mr. Chaworth said before every one in the Room. I do not look upon it as a Paper to refresh his Memory, but as a Paper taken from the Mouth of Mr. Chaworth as a Declaration from him; and therefore desire to know, if it was read to the Gentlemen in the Room, and who those Gentlemen were?

Lord High Steward. Your Lordships will observe, that the Witness has been examined upon Oath with respect to the Declaration he has in his Hand, which was reduced into Writing; you may therefore ask this Witness, whether he took that Paper in order to refresh his Memory, or for what other Purpose?

Mr. Partington. I took it for our general Recollection of the Words that Mr. Chaworth said.

Lord High Steward. Were those Declarations made to you?

Mr. Partington. To all of us. They are the very Words I heard.

Lord High Steward. Then you may refresh your Memory from the Paper.

Lord Ravensworth. Was this Paper read to the Gentlemen who were below Stairs? and who were in the Room when Mr. Chaworth made the Declaration?

Mr. Partington. Mr. Levinz, Mr. Hewett, Mr. Hawkins, Mr. Willoughby, and Mr. Adair, I think no other Gentleman was present, except myself, in the Room; after I had wrote this, I read it over, and they agreed it was the Substance of what Mr. Chaworth said.

Lord Ravensworth. Were they the Persons present in the Bed-chamber when the Declaration was made?

Mr. Partington. They were the Persons present in the Bed-chamber when the Words were spoke; they were the Persons present in the Parlour when I read it over; and it was agreed by all, that they were the Words Mr. Chaworth said.

Lords. Read the Paper over again?

Which was done by the Witness.

Earl of Denbigh. Did you ever hear Mr. Chaworth say any Thing of any Conversation which passed previous to Lord Byron's drawing his Sword in the Room?

Mr.

Mr. Partington. I was with Mr. Chaworth, backwards and forwards, from Half an Hour past Ten till Three, and he said nothing more to me than what I have repeated to your Lordships, concerning what had passed between him and my Lord *Byron*.

Duke of Manchester. Did you ever shew this Paper, of which you now speak, to Mr. Chaworth before his Death?

Mr. Partington. No, my Lords; I never saw Mr. Chaworth after I came down from him after he had executed his Will.

Lord Viscount Townshend. Was it ever read by any of the Gentlemen to Mr. Chaworth?

Mr. Partington. Not to my Knowledge; it has never been in my Custody since.

Lord Viscount Townshend. Where was it?

Mr. Partington. I delivered it to Mr. Levinz that Night; and I never saw it since, but once in Mr. Joynes's, Mr. Levinz Solicitor's, Hands.

Duke of Manchester. The Paper that you first began to write, I think, you said was thrown into the Fire?

Mr. Partington. It was, my Lords.

Duke of Manchester. Was it not completed when thrown into the Fire?

Mr. Partington. I had wrote as far of the Paper as where the Expression *half-drawn* is mentioned.

Lord Catcart. Did the Paper you burnt, and the other Paper you now have, differ?

Mr. Partington. No.

Earl Gower. I desire to know whether you threw the Paper into the Fire, because it differed from the Account Mr. Chaworth gave, or because it differed from your own Account?

Mr. Partington. The Reason it was thrown into the Fire was, I thought it was better to write it over again, than to have it appear with an Alteration in it. I had struck out some Words Mr. Hewett objected to, and for that Reason I wrote it over again fair.

Lord High Steward. The Witness may withdraw.

Earl of Denbigh. I desire Mr. Levinz may be called in again?

Mr. Attorney General. I think it my Duty to inform your Lordships, that from a Misapprehension on our Part, that the Witnesses might differ in some little Matters, we were extremely tender of examining any of them to what was contained in the Writing, conceiving the legal Evidence to be the Paper Writing itself; and if your Lordships think that the Paper cannot be admitted, I am in your Lordships Breasts, if it is not proper for us to call the Witnesses to speak to these Declarations. We were extremely tender in examining to any Thing that should lead to the Conversation contained in this Paper.

Lord Mansfield. By my Notes it appears, that Mr. Hewett spoke precisely to the Declarations of Mr. Chaworth; for after he had been examined to the Writing, he said, there was an Exception taken to some Words in it, and it was destroyed, and a new one was wrote.

Duke of Richmond. My Lords, a Question was some Time since asked by the Prisoner of Mr. Partington, the Answer to which I did not at this Distance hear.

Lord High Steward. That Question was objected to by a noble Lord as improper, and therefore it was not answered.

Earl of Denbigh. I desire that Mr. Levinz may be called to the Bar again to be further examined.

Lord Harwich. Your Lordships cannot enter into any Debate here: If there be any Difference of Opinion, it will be necessary to go back to the Chamber of Parliament.

The Lords were then moved to adjourn to the Chamber of Parliament.

Lords. Ay, Ay.

Lord High Steward. This House is adjourned to the Chamber of Parliament.

The Lords and others returned to the Chamber of Parliament in the same Order as they went from thence this Morning, and the House was there Resumed; and, after some Time, again adjourned to *Westminster-Hall*; and the Peers and others went down in the same Order as before; and the Peers being there seated, and the Lord High Steward in his Chair,

Lord High Steward. My Lords, the House is Resumed: Is it your Lordships Pleasure that the Judges may be covered?

Lords.

Lords. Ay, Ay.

Then the Serjeant at Arms made Proclamation for Silence as usual, and afterwards the following Proclamation.

Serjeant at Arms. Oyez, Oyez, Oyez ! Lieutenant of the Tower, bring forth your Prisoner, *William Lord Byron*, to the Bar, pursuant to the Order of the House of Lords.

The Deputy Governor of the Tower brought the Prisoner to the Bar in the like Form as before, and then he kneeled down.

Lord High Steward. Your Lordship may rise.

Then the Lord High Steward, by Leave of the Lords, went down to the Table.

Lord High Steward. Mr. Attorney General, you will proceed in your Evidence ?

Mr. Attorney General. My Lords, if I could have conceived that there remained a Doubt in the Minds of any one of your Lordships, that the Contents of this Paper were not true, I should have thought it my Duty to have called all the Witnesses to have substantiated the Contents : But as I cannot now trespass upon your Lordships Patience, the Evidence on Behalf of the Crown is closed ; and we leave it here.

Earl of Denbigh. I desire that Mr. *Levinz* may be called to the Bar.

Mr. Levinz was called again.

Earl of Denbigh. There was a Conversation passed between Mr. *Chaworth* and the noble Prisoner at the Bar, previous to Mr. *Chaworth*'s shutting the Door ; now I should be glad to know whether Mr. *Chaworth* said any Thing to you, relative to the Conversation which passed between him and Lord *Byron* upon the Stairs, previous to their going into the Room where they fought ?

Mr. Levinz. No, my Lords ; what he told me was, that Lord *Byron* asked him into the Room ; that when he came into the Room, he said, My Lord, if we are to talk we had better shut the Door, or else they may overhear what we say : And I never heard Mr. *Chaworth* say any Thing else about it.

Duke of Newcastle. When you asked Mr. *Chaworth* whether it was fair, you were on one Side of the Bed, and Mr. *Chaworth* turned his Head, and said something which Mr. *Partington* did not hear ; I desire to know whether, upon that Occasion, you heard any Answer to that Question ?

Mr. Levinz. At that Time I did not : I asked him the same Question once afterwards, and he gave me no Answer ; but seemed to me to shrink his Head into the Pillow.

Lord Viscount Folkestone. When Mr. *Chaworth* told you what passed in the Room where they fought, did he say that Lord *Byron* bid him defend himself, or any Thing to that Purpose ?

Mr. Levinz. Mr. *Chaworth* told me, that, on his turning his Head from the Door, he saw Lord *Byron*'s Sword half-drawn. My Lord said, Draw, Draw ! I am sure Mr. *Chaworth* said the Word, Draw, twice.

Lord Viscount Folkestone. Did Mr. *Chaworth* explain to you in what Manner he received the Wound ?

Mr. Levinz. He told me he felt the Point of his Sword engaged in something, and that he took it to be my Lord's Body ; that, therefore, he wished to disarm him ; and in endeavouring to close in for that Purpose, my Lord shortened his Sword, or his Arm (I am not certain which Word he made use of) and gave him that Wound. This was all that he said to me on that Subject.

Lord High Steward. The Witness may withdraw.

Mr. Attorney General. My Lords, as the Witnesses have fully proved the Evidence and Facts which I stated to your Lordships in the Opening, I will not trouble your Lordships to call any more Witnesses, but will rest our Evidence, in Support of the Prosecution, here.

Mr. Solicitor General.

My Lords,

THE Evidence on the Part of the Prosecution being closed, it remains for me, according to the usual Course of Proceeding, to collect, as far as it may be necessary, into one View, the Proofs that have been made, and to apply them to the present Charge: A very painful Task! but yet Justice to the publick Peace, to the Memory of the Deceased, and to the Sollicitude of his surviving Friends, authorizes and requires it. I should wish to discharge this Part of my Duty with that Benevolence and Humanity which possessed the Mind of the Deceased in the last Hours of his Life.

The noble Prisoner at the Bar is charged with having killed Mr. *Chaworth* deliberately and maliciously; or, in the Terms of the Indictment, with Malice aforethought. That he killed him, is a Truth beyond Dispute; and he who takes away the Life of another, is presumed to have taken it away deliberately and maliciously, till it shall appear to have been the Effect of Necessity, of Accident, or of sudden Passion; for as Necessity will justify, and Accident excuse the Fact, an ungovernable Transport of Passion will so far alleviate the Crime, as to make that, which would otherwise have been Murder and a capital Offence, Manslaughter only, which saves the Life of the Offender.

This is a Condescension the Law shews to the Frailties of the human Mind, which upon great and sudden Provocations cannot command itself, nor maintain its Reason; but whilst the Law shews this Condescension, it guards the Life of the Subject, with all possible Caution and Reserve, against the Excess and Abuse of the Benignity. It shelters no Man whose Mind is not free, perfectly free, from the Guilt of Malice, expressed in Words, or implied in Action; to be free from Malice, he must have acted from the Impulse of a present Passion, without Deliberation or meditated Mischief. If it should so have happened that the Provocation did not irritate, or irritating did not overcome the Reason, or overcoming the Reason, the Mind cooled and deliberated, or had Time to cool and deliberate, and then he fought and killed, he has incurred the Guilt of malicious Murder; he did not act from the Impulse of a present Passion; and whatever Motive actuated him, whether some secret Grudge, or an imaginary Necessity of vindicating his Honour, or of satisfying the World of his Courage, or any other latent Cause, he is no Object of this Benignity of the Law.

The Law Books do not make it Murder, only where the Passion has actually cooled, but where, in the Time that has passed, it ought in Reason to have cooled. And in Major *Oneby's* Case, no more than an Hour had passed, and the Judges thought that sufficient for the Purpose.

There is no specific Evidence required to shew that the Mind has cooled, it must depend upon the particular Circumstances of the Case; but all the Books, from the Time of Lord *Morley's* Case, in the Reign of *Charles II.* down to the Treatise of a late learned Judge, agree, that the Party engaging in indifferent Conversation, or in Amusements, affords a convincing Proof that he labours under no Transport of Passion, but has cooled and recovered his Reason,

I will not abuse your Lordships Patience with going through the Detail of the Evidence. Your Lordships serious and unwearied Attention, during the Course of this Trial, have made it unnecessary. I shall only point out some Observations arising from what passed at the Three most material Periods of Time, that is, during the Conversation in the Room where the Company dined; upon the Stairs; and in the Room below.

Nothing could be more innocent than the Conversation of the Company about the best Method of preserving of the Game; there could be no Offence in Mr. *Chaworth's* saying, that he had more Game upon his Estate, than Lord *Byron* had upon his; nor was there any in Lord *Byron's* saying, that he had the most. The first Offence, that seems to have been taken, was my Lord *Byron's* repeating the Question relative to Sir *Charles Sedley's* Manors; Mr. *Donston* understood it to be so. But it does not precisely appear, whether the Offence was given by the bare Repetition of the Question, or that it imported a Reflection upon an absent Friend, or that it contained too flat a Contradiction of what he had asserted; or that there was any Thing particularly affronting in the Tone of Voice, or in the Countenance, or in the Gesture; but it is very plain, Mr. *Chaworth* thought himself offended, and Mr. *Chaworth's* Expressions upon the Stairs, in asking Mr. *Donston* if he had been wanting in "his Reply", imports it. It is clear too, from the Questions Lord *Byron* asked Mr. *Chaworth*, that Lord *Byron* saw Mr. *Chaworth* had taken Offence. But whatever Effect Lord *Byron's* Behaviour had upon Mr. *Chaworth*, Mr. *Chaworth's* had no visible Effect upon Lord *Byron*;

no Action or Expression of Anger escaped him ; there was no Change of Countenance ; the Matter ended there. Other Conversation engaged the Company ; Lord *Byron* appeared to Mr. *Hewett* to be conversing in good Humour with Mr. *Molyneux* ; and Mr. *Molyneux* confirms the Reality of it. A full Hour passed in general Conversation. Mr. *Chaworth* does not seem to have been much discomposed, though *Fynmore* says he was a little ruffled ; which he collects from a Mistake he made in settling the Book ; a trifling Circumstance ! from which no just Inference can be drawn. But the Question is not, whether Mr. *Chaworth* was ruffled, but whether Lord *Byron* was agitated with any Violence of Passion ? It is for your Lordships to determine whether this Period affords any Proof of a sudden Quarrel, or of a heated Temper ; without Time to cool, or Leisure to deliberate ; and whether any Thing can be collected from hence, that will intitle the noble Prisoner to this Benignity of the Law, which is extended only to the Impetuosity of a sudden Passion.

In this Situation Lord *Byron* left the Room, in Appearance cool and deliberate ; if he had then a Purpose to fight, I am afraid it must have been deliberate ; if he had not, it imports Lord *Byron* to prove some new Occasion of Quarrel. What passed upon the Stairs affords only one Observation, Lord *Byron* told Mr. *Chaworth* he wanted to speak to him ; if the Purpose for which he wanted to speak to him is to be explained by what passed below, that Purpose was deliberate and without Provocation ; if he had not such Purpose in his Mind at that Time, will it not warrant Mr. *Chaworth*'s Suspicions ? Your Lordships will recollect what Mr. *Chaworth* said, and what he thought was the Reason for calling him to an Account in that Place and in that Manner. Your Lordships will recollect likewise what Disadvantages the Place gave to Mr. *Chaworth*. If Mr. *Chaworth* understood the Sword, he understood it as the Accomplishment of a Gentleman. It never hurt his Innocence, he abhorred to shed the Blood of any Man. The Darknes of the Room, and Confinement of the Place probably prevented him from giving a signal Proof of it in disarming his Adversary. There is reason to believe it. How conspicuous in his last Hours was his Benevolence to all Mankind, his Humanity to the Author of his Death, his serious and earnest Attention to the Discharge of the remaining Duties of his Life, and the Magnanimity with which he beheld the approaching Minute of his Death !

I shall lay no Weight upon the Manner in which the Wound was given, till Mr. *Partington* was examined, an Inference arose to the Disadvantage of Lord *Byron* from the supposed Silence of Mr. *Chaworth*, when he was asked, Whether the Wound was fairly given ? Mr. *Partington*'s Evidence may have left it now in some Doubt, what Opinion Mr. *Chaworth* had of that Circumstance. I will not allow myself to observe upon it ; nor will I repeat that unguarded Expression your Lordships have heard, that my Lord *Byron* used after the Wound was given, and after Mr. *Chaworth* had closed in and was endeavouring to prevent further Mischief. It must give Pain to the noble Prisoner to hear it repeated ; it must have made its Impression on your Lordships Minds ; it is fitter to remain there than to be the Subject of publick Discussion. It is for your Lordships to determine whether this Mischief has happened from the Impulse of a sudden Passion, or resulted from a deliberate and premeditated Purpose.

Lord High Steward. My Lord *Byron*, the Council for the Crown have done : Now is the Time for your Lordship to make your Defence ; and if you have any Witnesses to examine, now is your Time to call them.

Lord Byron. My Lords, I shall not call any Witnesses. I have reduced into Writing what I have to offer to your Lordships ; which, as my Voice is very low, I am apprehensive of my not being heard by your Lordships, and therefore desire it may be read by the Clerk.

Lords. Read, Read ?

Clerk reads.

My Lords,

Y OUR Lordships are now in full Possession of the Evidence against me, and, I am convinced, will weigh it with the Wisdom and Impartiality which have ever distinguished the Court of the Peers of Great-Britain.

This Consideration, my Lords, affords me Comfort and Support, though oppressed under the heavy Load of an Accusation of Murder, against which I am now required to speak in my own Defence.

My Inexperience in the nice Distinctions of Law, and in Proceedings of this Nature, but ill qualify me for this Task ; and will furnish very ample Occasion for the Goodness and Indulgence of your Lordships.

The Witnesses, (as far as their Knowledge and Observation could lead them) have already sufficiently proved the accidental Manner in which the greatest Part of the Transaction happened ; and the Innocence of my own Intentions, through the Whole of it, makes it difficult for me to select any particular Passages which may more immediately demand your Lordships Attention.

Let me presume, however, to lay before you my own Narrative of the Fact, according to the best of my Recollection. It agrees in Substance with great Part of what has fallen from the Witnesses, but it supplies some Particulars which may possibly deserve Weight and Credit. In doing this, the Respect which I owe to your Lordships, as well as a tender Concern for my own Honour, will not suffer me to prevaricate, neither will I conceal or deny what is true.

After we had dined at the Club, about Seven o'Clock, a Discourse began concerning Game, and Mr. Chaworth insisted that Strictness and Severity were the only effectual Methods with the Country People.

I must confess that I was of a different Opinion ; being for gentler Measures, and therefore observed, that such Severity might only prompt them to do more Mischief ; and added such Circumstances as I thought supported what I said.

This Discourse lasted some Time ; and, during the Whole of it, I was concerned to observe that the deceased Gentleman, without any Cause, treated me in a slighting and contemptuous Manner.

Towards the Conclusion of it, he, with some Heat, said, there would be no Game in the Country ; and that I should not have a single Hare on my Estate, if it was not for the Care taken by himself and Sir Charles Sedley, to preserve the Game on their Manors ; and added, that he had more Game on five Acres than I had in all my Manors. The Proposal of a Bet followed, but some of the Gentlemen interfered, and no Bet was made.

Mr. Chaworth again mentioned Sir Charles Sedley's Manors, and his Care of the Game ; upon which I happened to ask what Manors of Sir Charles Sedley he meant, when he answered, Nutball and Bulwell ; to which I replied, I did not understand how that could be, for though I knew Nutball was Sir Charles Sedley's, yet Bulwell Park was mine.

Mr. Chaworth answered, that besides Bulwell Park, there was the Lordship of Bulwell Town (a Point, which I believe may formerly have been in Dispute between Mr. Wentworth's Family and mine, but has long lain dormant) and that Sir Charles Sedley had a Deputation for that Lordship.

Upon which I made some insignificant Observation on the Uncertainty of Deputations, as they are liable to be recalled at any Time, or something to that Purpose.

Whereupon, to the best of my Recollection, Mr. Chaworth replied in the following Words, " Sir Charles Sedley, my Lord, lives at Mr. Cooper's, in such a Place, and I doubt not, will be ready to give your Lordship Satisfaction about his Manors, if you have any Thing to say concerning them ; and as to myself, you know where I live, and I shall be ready to answer your Lordship whenever you will call upon me, if you have any Thing to say to me."

These Words, so unexpected, of such an Import, uttered, and repeated in the Manner they were, would not admit of any Reply, but put an End to the Discourse, so that nothing further passed between the deceased Gentleman and myself, at that Time ; but during the short Stay I made afterwards, I might possibly have some very short Conversation, on indifferent Matters, with Mr. Molyneux, who was next me.

And here, I must observe, that as I sat at the lower Corner on the one Side, and Mr. Chaworth at the upper Corner on the other Side of a long Table, at which Ten People had dined, no private Intimations for a future Meeting, or other Signs, could be given by either of us, without being perceived by all the rest of the Company, to whose Evidence I must refer, observing only that no such Thing is pretended, or even suspected by any of the Gentlemen who have been called upon.

Soon after this Discourse was finished in the abrupt Manner I have mentioned, the Club Book was brought to Mr. Chaworth, who usually settled it, and did so on this Occasion, though with some Hurry and Confusion, as Fynmore, the Master of the Tavern, has told your Lordships.

The Book being settled, and the Reckoning paid by Mr. Chaworth, and several of the Company, I saw him go behind a Screen in the Room which intirely conceals the Door, and I had every Reason to conclude that he was gone.

I staid

I staid some Time to settle and discharge my Reckoning, which might detain me near Ten Minutes, and then I took my Hat and left the Company.

As I was going out of the Room, I remember that somebody passed me behind the Screen near the Door, and believe it might be Mr. *Donjon*, who (I think) says, he met me, but being in the Shade, I could not well distinguish him, so as to take particular Notice or say any Thing to him.

When I opened the Door, I saw Mr. *Chaworth*, on the Landing Place, near the upper Step of the Stairs, with his Face towards the Door, and his Back to the Stairs, not moving (as he appeared to me) but rather as if he waited for somebody coming out.

The Landing Place is so narrow, that to go without the Door of the Room was unavoidably to pass near Mr. *Chaworth*, who immediately said, "Has your Lordship any Commands for me?" which he spake in a very particular and significant Manner, and not (to my Apprehension) as a Question either of Civility or Respect.

I only answered, "I should be glad of an Opportunity of speaking a few Words to him;" Mr. *Chaworth* replied, "That the Stairs were not a proper Place, and, if I pleased, we would go into a Room."

We then went down together to the Landing Place of the One Pair of Stairs (for we dined up Two Pair of Stairs) and there the Waiter was called, and as it was repeated Three or Four Times, it is most probable we both called him.

The Waiter soon came with a Candle, and being asked (I am sorry I cannot recollect who put the Question) which of those Rooms (meaning the Two Rooms on that Floor) was empty, he threw open the Door of One of them, and going in first, set his Candle upon the Table, which stood towards the Middle of the Room, whilst we went to the Fire.

He retired immediately, and shut the Door after him.

I then said to Mr. *Chaworth*, as we still continued standing by the Fire, "How am I to take those Words you used above, as an intended Affront from Sir *Charles Sedley*, or yourself?" Mr. *Chaworth* replied, "Your Lordship may take them as you please, either as an Affront or not, and I imagine this Room is as fit a Place as any other to decide the Affair in."

Then turning round, he said, he would bolt the Door to prevent any Interruption, or any Body interfering, or Words to that Effect. Accordingly, he went to the Door and fastened it. In the mean time, his Intention being but too manifest, by this Action and his last Expression, I went round on the further Side of the Table, towards the most open Part of the Room, which your Lordships have been informed by *Fynmore* is about Sixteen Feet Square, and the Furniture did not leave a vacant Space of more than Twelve Feet in Length, and, as I believe, Five Feet in Breadth, where it was my unhappy Lot to be obliged to engage.

Mr. *Chaworth* was now turned round from bolting the Door, and as I could not any longer continue in Doubt of his Intention, it was impossible for me in such a Situation to avoid putting my Hand to my Sword, and I believe I might at the same Time bid him Draw, or use some other Words of the like Import, though I cannot now be certain of the Expression:

Mr. *Chaworth* immediately drew his Sword, and made a Thrust at me, which I parried; he made a second, which also missed of its Effect: And then finding myself with my Back against the Table, with great Disadvantage of the Light, I endeavoured to shift a little more to the Right-hand, which unavoidably brought us nearer to each other, and gave me an Opportunity to perceive that the deceased Gentleman was making a third Pass at me. We both thrust at the same Time, when I found Mr. *Chaworth's* Sword against my Ribs, having cut my Waistcoat and Shirt for upwards of eight Inches; and I suppose it was then, that he received the unlucky Wound, which I shall ever reflect upon with the utmost Regret.

Mr. *Chaworth* paused, and said, "I am afraid I have killed you;" at the same Time putting his Left-hand to his Belly, which, on withdrawing it again, I could perceive was bloody.

I expressed the like Apprehension on his Account; and, Mr. *Chaworth* telling me that he was wounded, I said that I was sorry for it, and went to the Bell, near the Fire, to ring it, in order to call for Assistance, whilst the unfortunate Gentleman, being still near the Door, unbolted it.

I then returned to him; and as I was supporting him to an Elbow-chair which stood near the Fire, I could not help observing, that, He might thank himself for what had happened, as he had been the Aggressor; that I supposed he took me for a Coward, but I hoped I had as much Courage as another Man: Mr. *Chaworth* replied, My Lord, all I have to say is, you have behaved like a Gentleman.

During

During this Discourse *Fynmore* came into the Room, took out Swords, whilst I was employed, to the best of my Power, in supporting Mr. *Chaworth*, and at my Request went for the Surgeon. The rest of the Gentlemen also, who were above Stairs, being now alarmed, came down into the Room; where I continued for some Time, being desirous to give every Kind of Assistance to the Deceased, and afterwards I waited in a Room below, till he was removed to his own House.

My Lords, this is my melancholy Story. I cannot pretend to call any Witnesses in Support of those Parts of it, which relate to what passed during the few Minutes whilst we were in private; But as the Declarations of the Deceased are admitted as Evidence, your Lordships will compare the broken Accounts collected by those Gentlemen who discoursed with him, with such Circumstances as my Memory and Knowledge tell me are exactly true.

There are several Persons now attending, and ready to attest various Instances of friendly Intercourse and Civility from me to the Deceased; but as nothing has been offered to induce your Lordships to believe the contrary, I will not enter into that Evidence, nor offer any other on my Part, relying upon your Lordships Justice, and my own Innocence; not only as that Innocence may be presumed from the Insufficiency of Proof on the Part of the Prosecutors, to shew either Malice or Premeditation in me, but as most of the Witnesses unanimously agree in declaring the Provocation, Challenge, and Insult offered me; and your Lordships will not imagine that I felt them with less Emotion, because my Manner and my Words were decent.

My Lords, as the Provocation was great, so the Time was very short, between the Conversation and my meeting with Mr. *Chaworth* upon the Stairs, which was quite unexpected to me.

After that accidental Meeting, the Time of our continuing together (which was scarce Four Minutes) the Light, the Unfitness of the Place, and every other Circumstance prove, in the strongest Manner, that nothing could be more sudden and unpremeditated than the Conflict that ended so unfortunately, and in which I received the First Thrust, at the Peril of my own Life.

Our Fighting could not be very regular, circumstanced as it was; but notwithstanding some Insinuations, my own Mind does not charge me with the least Unfairness. The Facts declared by Mr. *Chaworth*, import the contrary; and Mr. *Partington* has acquainted your Lordships, that the last Declarations, reduced into Writing, were understood by him, and by the other Gentlemen present, as a Answer to every Question which had been asked.

My Lords, it is very plain from the Evidence, that Mr. *Chaworth* had not cooled; and if the Infirmitiy of his Temper was such, as not to have recovered itself in so short an Interval, though he had done the Injury; your Lordships, I hope, will at least make that Allowance (which the Law permits) to the like Infirmitiy of Nature in him who had been injured.

Grieved and affected as I am on this Occasion, and willing to spare any Reflection on the dead, the Necessity of my Defence obliges me to take Notice, that according to the Evidence of Mr. *Donston*, whom he desired to speak with on the Stairs, he but too clearly explained the Sense in which his Words were intended by asking that Gentleman, Whether he had observed what passed between himself and me, and whether he had left the Matter short?

Such a Behaviour, my Lords, needs no Comment, especially if considered with the Sequel of it; after we came into the Room below, where he declined giving me any reasonable Explanation, though such an one might easily have been given as would have been consistent with my Honour and Character.

In such a Case your Lordships will, no Doubt, have some Consideration for human Weakness and Passion, always influenced and inflamed in some Degree by the Customs of the World.

And though I am persuaded that Compassion can never obstruct your impartial Justice, yet I trust that you will incline to mitigate the Rigour of it, and administer it, according to Law, in Mercy.

I am told, my Lords, that it has been held by the greatest Authorities in the Law, that if contumelious Words (and still more, I presume, if contemptuous Words of Challenge) have been given by one Man to another, and, before they are cooled, either bids the other draw his Sword, and Death ensues, after mutual Passes, the Fact of that Case will not amount to Murder.

Therefore I am willing to hope, that your Lordships, in weighing these Circumstances, may find sufficient Cause to acquit me of all Malice, and to consider me as an unhappy Man, innocent in Intention, conscious only of Misfortune.

My Lords, I will detain you no longer. I am in your Lordships Judgment, and shall expect your Sentence, whether for Life or Death, with all the Submission that is due to the noblest and most equitable Court of Judicature in the World.

Then the Lord High Steward returned back to his Chair.

Lord High Steward. Lieutenant of the Tower, take *William Lord Byron* from the Bar?

Which was done accordingly.

Lord President. My Lords, I move your Lordships to adjourn to the Chamber of Parliament.

Lords. Ay, Ay.

Lord High Steward. This House is adjourned to the Chamber of Parliament.

The Lords and others returned to the Chamber of Parliament in the same Order they came down: And, after some Time, the House was adjourned again into *Westminster Hall*; and the Peers being there seated, and the Lord High Steward in his Chair, and the House resumed, the Serjeant at Arms made Proclamation for Silence as usual.

Lord High Steward. Your Lordships have heard the Evidence, and every Thing that has been alleged on both Sides; and the Solemnity of your Proceedings requires that your Lordships Opinions on the Question, of Guilty, or Not Guilty, should be delivered severally in the Absence of the Prisoner, beginning with the junior Baron; and that the Prisoner should afterwards be acquainted with the Result of those Opinions by me. Is it your Lordships Pleasure to proceed now to give your Opinions on the Question, of Guilty, or Not Guilty?

Lords. Ay, Ay.

Then the Lord High Steward stood up uncovered; and, beginning with the youngest Peer, said,

George Lord Vernon. What says your Lordship? Is *William Lord Byron* Guilty of the Felony and Murder whereof he stands indicted, or Not Guilty?

Whereupon *George Lord Vernon*, standing up in his Place, uncovered, and laying his Right Hand upon his Breast, answered,

Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

In like manner the several Lords after-mentioned, being all that were present, answered as followeth:

Edward Lord Beaulieu. Not Guilty, upon my Honour.

Joseph Lord Milton. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

John Lord Montague. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

John Lord Lovel and Holland. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

William Lord Bostock. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Nathaniel Lord Scarsdale. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Richard Lord Grosvenor. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Thomas Lord Grantham. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Lewis Lord Sondes. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

William Lord Wycombe. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

George Lord Lyttelton. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Wills Lord Harwick. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

William Lord Mansfield. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Horatio Lord Walpole. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Thomas Lord Hyde. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Vere Lord Vere. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

William Lord Ponsonby. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Henry Lord Ravensworth. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Mattbew Lord Fortescue. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Thomas Lord Bruce. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Samuel Lord Sandys. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

George Lord Edgecumbe. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Frederick Henry Lord Chedworth. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Thomas Lord Montfort. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

John Lord Monson. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

William Lord King. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Mattbew Ducie Lord Ducie. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Charles Lord Cadogan. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Samuel Lord Maffam. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Robert Lord Trevor. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Edmund Lord Boyle. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Charles Scaw Lord Calbcart. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

William Lord Craven. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Nathaniel Lord Delamer. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

John Lord Berkeley of Stratton. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Edward Lord Leigh. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

John Lord Clifton. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

John Lord Saint John of Bletsoe. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

John Peyton Lord Willoughby of Broke. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Norborne Lord Botitourt. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

George Lord Abergavenny. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Francis Lord Le Despenser. Not Guilty, upon my Honour.

John

John Viscount Dudley and Ward. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

William Viscount Courtenay. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Edward Viscount Wentworth. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

John Viscount Spencer. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

William Viscount Folkestone. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

George Viscount Torrington. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Hugh Viscount Falmouth. Not Guilty upon my Honour.

Frederick Viscount Bolingbroke and Saint John. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Thomas Viscount Weymouth. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

George Viscount Townshend. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Richard Viscount Say and Sele. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Edward Viscount Hereford. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Stephen Earl of Ilchester. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Thomas Earl Fauconberg. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Philip Earl of Hardwicke. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Charles Earl Cornwallis. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Simon Earl Harcourt. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Richard Earl Temple. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Hugh Earl of Northumberland. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Henry Arthur Earl Powis. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

John Earl of Buckinghamshire. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

William Earl of Harrington. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

George Earl of Orford. Not Guilty, upon my Honour.

John Earl of Ashburnham. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

John Earl Waldegrave. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

John Earl Ker. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

George Earl of Macclesfield. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Henry Earl of Sussex. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

George Montagu Earl of Halifax. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Heneage Earl of Aylesford. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Charles Earl of Tankerville. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

William Earl of Dartmouth. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

William

William Earl of Strafford. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Edward Earl of Oxford and Earl Mortimer. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

John Earl of Bute. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Hugh Earl of Marchmont. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

William Earl of March and Raglen. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

William Earl of Dunmore. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

John Earl of Breadalbane. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

John Earl of Loudoun. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

James Earl of Abercorn. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Alexander Earl of Eglinton. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

James Earl of Morton. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Vere Earl Poulet. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

George William Earl of Coventry. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

George Earl of Albemarle. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Richard Earl of Scarborough. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Other Lewis Earl of Plymouth. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Henry Earl of Gainsborough. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

George Henry Earl of Litchfield. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Anthony Ashley Earl of Shaftesbury. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

George Earl of Cardigan. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

William Anne Holles Earl of Essex. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

John Earl of Sandwich. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Daniel Earl of Winchelsea and Nottingham. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Charles Earl of Peterborough and Monmouth. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Thomas Earl of Westmorland. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Basil Earl of Denbigh. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Henry Earl of Suffolk and Berkshire. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Henry Earl of Lincoln. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Henry Earl of Pembroke and Montgomery. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Francis Earl of Huntingdon. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Granville Leveson, Earl Gower, Lord Chamberlain of the Household. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

William Earl Talbot, Lord Steward of the Household. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Charles Marquis of Rockingham. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Francis Duke of Bridgewater. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Henry Duke of Chandos. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

George Duke of Manchester. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

William Henry Cavendish, Duke of Portland. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Thomas Holles Duke of Newcastle. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Peregrine Duke of Ancker and Kesteven, Lord Great Chamberlain of England. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

John Duke of Argyle. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

John Duke of Rutland. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Thomas Duke of Leeds. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Augustus Henry Duke of Grafton. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Charles Duke of Richmond. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

John Duke of Bedford, Lord President of the Council. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

His Royal Highness William Henry Duke of Gloucester and Edinburgh. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

His Royal Highness Edward Duke of York and Albany. Not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Then the Lord High Steward, standing uncovered at the Chair, laying his Hand upon his Breast, said;

Lord High Steward. My Lords, I am of Opinion that *William Lord Byron* is not Guilty of Murder, but Guilty of Manslaughter, upon my Honour.

Lord High Steward. Your Lordships have found that *William Lord Byron* is not Guilty of the Felony and Murder whereof he stands indicted; but have found him Guilty of Manslaughter. One Hundred and Nineteen of your Lordships having voted him Guilty of Manslaughter, and the remaining Four having declared him to be Not Guilty generally. Is it your Lordships Pleasure that he should be called in, and acquainted therewith?

Lords. Ay, Ay.

Proclamation was then made for the Lieutenant of the Tower to bring the Prisoner to the Bar, which was done in the same Order as before; and afterwards Proclamation was made for Silence as usual.

Lord High Steward. *William Lord Byron*, The Lords have considered of the Charge and Evidence brought against you, and have likewise considered of every Thing which you have alledged in your Defence, and upon the whole Matter, their Lordships have found you not Guilty of the Murder whereof you stand indicted, but Guilty of Manslaughter. What has your Lordship to alledge against Judgment being pronounced upon you?

Upon which, his Lordship claimed the Benefit of the Statute of *Edward the Sixth*.

Whereupon the Lord High Steward acquainted him that he was allowed the Benefit of that Statute, and was discharged, paying his Fees.

Proclamation was then made for Silence in the usual Manner.

Lord

Lord High Steward. My Lords, this Trial being at an End, nothing remains to be done here, but to determine the Commission.

Lords. Ay, ay.

Lord High Steward. Let Proclamation be made for dissolving the Commission of High Steward.

Serjeant at Arms. Oyez, Oyez, Oyez! Our Sovereign Lord the King does strictly charge and command all manner of Persons here present, and that have here attended, to depart hence in the Peace of God, and of our said Sovereign Lord the King, for his Grace my Lord High Steward of Great-Britain, intends now to dissolve his Commission.

Then the White Staff being delivered to the Lord High Steward by the Gentleman-Usher of the Black Rod upon his Knee, his Grace stood up uncovered, and holding the Staff in both his Hands, broke it in Two, and declared the Commission to be dissolved; and then leaving the Chair, came down to the Woolpack and said, Is it your Lordships Pleasure to adjourn to the Chamber of Parliament?

Lords. Ay, ay.

Lord High Steward. This House is adjourned to the Chamber of Parliament.

Then the Peers and others returned back to the Chamber of Parliament, in the same Order they came down, except that their Royal Highnesses the Duke of Gloucester and Duke of York walked after the Lord Chancellor.

F I N I S.

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